United Nations A/68/154

General Assembly

Distr.: General
16 July 2013
English
Original: Arabic/English/French/
Spanish

Sixty-eighth session
Item 99 (u) of the preliminary list of items*
General and complete disarmament

Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices

Report of the Secretary-General

Contents

		Page
I.	Introduction	3
II.	Replies received from Governments	3
	Algeria	3
	Australia	5
	Austria	5
	Brazil	6
	Canada	6
	China	7
	Congo	8
	Cuba	9
	Finland	10
	France	10
	Germany	11
	Hungary	11
	India	12
	Indonesia	13

* A/68/50.

13-39722 (E) 020813 130813

Please recycle

Iran (Islamic Republic of) 14
Ireland 15
Italy 15
Japan 16
Libya 17
Mexico 18
Netherlands 18
Nigeria 20
Norway 20
Pakistan 20
Peru 21
Poland 22
Qatar 23
Republic of Korea 23
Serbia 24
South Africa 25
Sweden 26
Switzerland 27
Syrian Arab Republic 27
Ukraine 28
United Kingdom of Great Britain and Northern Ireland 29
United States of America 29
Uruguay 30

III. Replies received from the European Union 31

I. Introduction

1. In its resolution 48/75 L of 16 December 1993, the General Assembly recommended the negotiation in the most appropriate international forum of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, and called upon all States to demonstrate their commitment to the objectives of such a treaty.

2. In accordance with the resolution, the Conference on Disarmament initiated consultations among its members on what would be the most appropriate forum to negotiate such a treaty and what should be the mandate for negotiations. On 23 March 1995, the Conference endorsed the report of those consultations, calling for the establishment of an ad hoc committee in the Conference on Disarmament with the mandate to negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. In 1998, the committee met for negotiations for the three final weeks of the annual session of the Conference, but was not re-established the following year. Over the following 15 years, the Conference made several unsuccessful attempts to agree on and implement a substantive programme of work that would include negotiation of a fissile material cut-off treaty.

3. By paragraph 2 of resolution 67/53, the General Assembly requested the Secretary-General to seek the views of Member States on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, including aspects thereof, and to submit a report on the subject to it at its sixty-eighth session. The present report is submitted pursuant to that request.

4. On 31 January 2013, the Office for Disarmament Affairs sent a note verbale to all Member States seeking their views. As at the time of writing of the present report, 37 Member States and the European Union had submitted their views, executive summaries of which are reproduced in section II. The reply of the European Union is reproduced in section III, in accordance with the modalities set out in resolution 65/276. Additional submissions will be issued as an addendum to the present report. The full texts of national submissions are available from http://www.unog.ch/80256EE600585943/(httpPages)/B8A3B48A3FB7185EC1257B280045DBE3?OpenDocument.

II. Replies received from Governments

Algeria

[Original: French]
[15 May 2013]

The treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices should be based on the parameters defined in resolution 48/75 L and the elements identified in the Shannon report (CD/1299), namely, a non-discriminatory, multilateral and internationally and effectively verifiable treaty.

This instrument should ban the future production of fissile material for nuclear weapons or other nuclear explosive devices and serve as a framework to reduce and eliminate stockpiles of such material.

The treaty should not be interpreted as infringing the inalienable right of States parties to pursue research on and the production and peaceful use of nuclear energy without discrimination.

The treaty should ban the future production of fissile material used in the manufacture of nuclear weapons or other nuclear explosive devices (highly enriched uranium and plutonium); the diversion of fissile material to purposes that are prohibited or contrary to the treaty objectives; the reactivation of decommissioned, dismantled or converted nuclear facilities for activities banned by the treaty; and the transfer of fissile material for the manufacture of nuclear weapons to other States or entities. It should also require States parties to decommission, dismantle and convert facilities that produce fissile material covered by the treaty and to reduce and eliminate their stockpiles of fissile material for the manufacture of nuclear weapons before the treaty enters into force.

The definitions of nuclear material contained in article XX of the Statute of the International Atomic Energy Agency (IAEA) could provide the basis for the treaty, with adjustments to be made as necessary.

The treaty should be underpinned by a rigorous and effective verification regime able to provide the necessary assurances of compliance with its provisions. To that end, the scope of the verification regime should be broad enough to cover the entire nuclear fuel cycle. It could be based on the comprehensive IAEA safeguards (INFCIRC/153 (Corrected)) that apply to non-nuclear-weapon States, and all military and civil nuclear activities during processing, use and storage should be placed under this regime.

By virtue of its mandate and experience, IAEA would be the appropriate agency to verify compliance with the treaty.

An effective safeguards regime requires that a sufficient amount of information and detailed inventories on the production, volume of fissile material stock for civil and military purposes, and data on civil and military nuclear facilities be made available.

The treaty should include measures to be invoked in the event of violations that entail non-compliance with fundamental treaty obligations, and measures to correct those situations and to resolve disputes that may arise among States parties concerning the application or interpretation of its provisions.

The duration of the treaty should be indefinite and should not be subject to reservations. The Secretary-General of the United Nations should be the depositary of the treaty.

Australia

[Original: English]
[15 May 2013]

An effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices has the potential to deliver substantial benefits for the security of all States, furthering the twin goals of nuclear disarmament and nuclear non-proliferation.

Australia sees the Group of Governmental Experts established by General Assembly resolution 67/53 as a valuable opportunity. Technical work to develop practical elements for a treaty can be advanced without touching on broader political issues. This should be the case, for example, for many aspects of verification of a treaty.

Australia considers that the key undertaking of States parties to such a treaty should be not to produce fissile material for nuclear weapons or other nuclear explosive devices. Parties would also dismantle or convert to other uses facilities formerly used to produce fissile material for nuclear weapons. Australia would support the inclusion in the treaty of provisions on stocks of fissile material, whether produced for civil or military purposes. Such provisions should address the status of pre-existing stocks, as well as mechanisms under which States could choose to submit excess military stocks to irreversible peaceful use and verification commitments.

Fissile materials whose production would be controlled by the treaty should be those relevant to the manufacture of nuclear weapons or other nuclear explosive devices. A good basis for discussion of what constitutes such material is the definition of "direct-use materials" used by the International Atomic Energy Agency (IAEA).

Australia considers that cost-effective verification of the treaty could best be achieved by focusing on facilities for enrichment of uranium and for separation of plutonium, including those formerly used for nuclear weapons purposes, and on facilities processing or using fissile material subject to the treaty. We recognize nevertheless that it may also be necessary to gain assurance of compliance through declaration and inspection of some other nuclear material and activities. Verification against undeclared production of relevant fissile material would need to be an essential element of the treaty. Australia notes that most of the verification requirements of a treaty could already be met for many States parties by the application of comprehensive IAEA safeguards together with an additional protocol that meets the requirements of INFCIRC/540 (corrected).

Austria

[Original: English]
[14 May 2013]

Austria is in favour of the speedy conclusion of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices to accelerate progress towards a nuclear-weapon-free world.

Brazil

[Original: English]
[22 May 2013]

A fissile material treaty should contribute effectively to the achievement of the goal of a world without nuclear weapons. Given the amount of highly enriched uranium and plutonium already accumulated by States possessing nuclear weapons, a treaty would bring added value to nuclear disarmament only if it contained specific commitments related to past production.

The treaty should address both future and past production. It is clear that future production of fissile material for nuclear weapons and other explosive devices should be prohibited outright. With regard to past production, it will be one of the tasks of the Group of Governmental Experts to explore possible options, including a phased process of destruction of all pre-existing weapons-grade fissile material.

In 2010, Brazil proposed to the Conference on Disarmament, in a conceptual working paper (CD/1888), a possible general structure for a treaty on fissile material for nuclear weapons or other nuclear explosive devices, comprising a framework or umbrella treaty and two protocols, with their respective verification mechanisms.

With comprehensive safeguards agreements, non-nuclear-weapon States already have in place commitments tantamount to such a treaty. The purpose of the agreements entered into by these States pursuant to article III of the Treaty on the Non-Proliferation of Nuclear Weapons is precisely to ensure that nuclear material will not be used for nuclear weapons or other nuclear explosive devices.

With regard to nuclear-weapon States, the treaty would have to provide for the application of IAEA safeguards in all facilities containing fissile material, with the exception of the material already present in weapons systems themselves.

Canada

[Original: English]
[15 May 2013]

Canada accords the utmost importance to beginning negotiations on a treaty banning the production of fissile material for use in nuclear weapons. Such a treaty is not an end unto itself but a concrete and practical step towards nuclear non-proliferation and disarmament.

Any definition of fissile material used in a future treaty must be broad enough to ensure that all fissile material relevant to nuclear weapons or other nuclear explosive devices, now or in the future, is captured. Wherever possible, Canada is in favour of using relevant IAEA terminology and definitions.

At a minimum, the scope of a future treaty should ban the production of fissile material for nuclear weapons and other nuclear explosive devices. Verification of additional fissile material, both civilian and military, should also be considered, given the risk of diversion to weapons use, including through the use of a mechanism similar to existing comprehensive safeguards agreements.

Existing stockpiles of fissile material remain a difficult and contentious issue which will likely only be resolved through direct negotiation. Canada remains committed to the Shannon mandate (CD/1299), and does not preclude additional measures to address existing stockpiles, in or alongside the framework of a treaty, such as increasing transparency; declaring excess fissile material and placing it under verification; and disposing of excess fissile material.

It is possible to develop technically, financially, legally and politically effective verification measures by using, extending or adapting elements of the IAEA comprehensive safeguards regime, including additional measures for existing stockpiles and declared excess fissile material. We envision a key role for IAEA, including as the potential verifying agency. This could be cost-effective, although potential broader implications for the Agency, including financial, would have to be carefully considered. Other measures in the treaty could include bilateral and multilateral verification measures, and national technical means.

Consideration could also be given to a mechanism by which to review compliance and treaty implementation, such as a review process; an IAEA secretariat; or a separate secretariat to address compliance and implementation.

China

[Original: Chinese, English]
[14 May 2013]

The Government of China is of the view that conclusion of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices through negotiation is an important issue in the international arms control process. The complete ban on the production of fissile material for nuclear weapons or other nuclear explosive devices through conclusion of the treaty, will be conducive to promoting nuclear disarmament and non-proliferation, and is an important step leading to the complete prohibition and thorough destruction of nuclear weapons.

China has always stood for concluding a non-discriminatory, multilateral and internationally effectively verifiable treaty as early as possible in the Conference on Disarmament on the basis of document CD/1299 and the mandate contained therein. As the sole multilateral disarmament negotiating forum, the Conference is the only appropriate venue for the negotiation of such a treaty. China supports the Conference towards agreement on a comprehensive and balanced programme of work so as to carry out substantive works, including negotiation of the treaty.

The Government of China believes that the Group of Governmental Experts on the treaty should include all States with the ability to produce fissile material for nuclear weapons or other nuclear explosive devices, and it should take full consideration of equitable geographical representation. The Group should operate within the mandate of General Assembly resolution 67/53. It should discuss relevant issues and make recommendations according to the principle of consensus. Should the Conference agree upon and implement a programme of work, the Group should conclude, and its work should be transmitted to the Conference.

The Government of China is of the view that the treaty should mainly contain such aspects as definitions, obligations, organization, verification and entry into

force. The treaty should cover only the future production of fissile material for nuclear weapons or other nuclear explosive devices.

The Government of China has been actively supporting the commencement of the negotiation of the treaty. China has joined the consensus or voted in favour of resolution 48/75 in 1993 and all General Assembly resolutions related to the treaty since then. China took part in the adoption of the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons by consensus and has been actively promoting the implementation of the action plan related to the treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices proposed by the Final Document. China supports the decision of the Conference on the mandate, working mechanism and relevant issues of the treaty negotiation. It has played a serious part in all treaty-related activities within the framework of the Conference. China will continue its efforts to promote an early commencement of negotiation of the treaty in the Conference.

Congo

[Original: French]
[15 May 2013]

The concept of the treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices is an opportunity to revitalize the Conference on Disarmament and to take a leap forward in the disarmament process.

Nevertheless, it is worth considering the view of the United States of America that, with respect to both the Treaty on the Non-Proliferation of Nuclear Weapons and this treaty, the deadlock is political in nature. Should the Member States reach a global consensus at the political level, a solution would be found to the other legal and technical issues.

A process should therefore be envisaged that will take into account the different positions of Member and non-Member States, nuclear-weapon and non-nuclear-weapon States, and the group of countries that includes India, Israel, Pakistan, Egypt, the Islamic Republic of Iran and the Democratic People's Republic of Korea on specific issues that are often the subject of misgivings, such as transparency on the quantity and quality of fissile material stocks, even for civil purposes, and the role IAEA should play in that regard.

Consequently, the Congo supports the proposal, put forward by Brazil, to establish a group of governmental experts in order to expedite the process on the basis of the views of Member States which would propose an agenda and recommendations to the Secretary-General.

With regard to the treaty, its scope should include not only a ban on the production of fissile material for military purposes, but also a limit on the levels of fissile material stocks for civil purposes. It should also cover production and enrichment technology as well as the relevant equipment and facilities.

Moreover, it is clear that components of "fissile material" and everything related to it must be defined. In addition, it would be impossible to draft a treaty

without determining its scope, the timetable for entry into force and verification mechanisms.

As with the Treaty on the Non-Proliferation of Nuclear Weapons, the scope of the treaty would be unlimited, since the goal is a world free of nuclear weapons. Production for military purposes must therefore be brought to a halt and new production and the development of production techniques must not be allowed. In that regard, IAEA and the Comprehensive Nuclear-Test-Ban Treaty Organization are tools that could make a useful contribution to the verification and monitoring mechanism. For this treaty to be effective its scope must be universal.

Cuba

[Original: Spanish]
[20 May 2013]

Cuba favours the commencement of multilateral negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty, which will ban the production of fissile material for nuclear weapons or other nuclear explosive devices and will also address the question of existing stocks. A fissile material treaty should not focus solely on non-proliferation, but should be an instrument for nuclear disarmament. That is why we believe that the treaty is a step towards the prime objective of nuclear disarmament. The so-called Shannon mandate is still fit for purpose and sufficiently broad in scope to cover the interests of all delegations. Once the relevant subsidiary body is established within the Conference on Disarmament to start negotiations, all Member States must be free to take up and address all issues they consider to be relevant to the future treaty.

The main purpose of the treaty must be a ban on the production of fissile material for nuclear weapons and it should also cover fissile material that existed before the treaty's entry into force.

The provisions of a future fissile material treaty must not interfere with the right to use such material for peaceful purposes. The future treaty must also promote international cooperation on the peaceful use of nuclear energy.

The IAEA criteria should be used to define the concept of fissile material. To ensure that the treaty will be an effective instrument, it should be governed by the fundamental principles of transparency, verification and irreversibility.

The future treaty must have an effective verification mechanism that will also ensure irreversibility. The IAEA safeguards system could be used as a tool for the implementation of the verification mechanism.

The future treaty should be negotiated within the Conference on Disarmament, the only multilateral forum for the negotiation of disarmament treaties. We therefore reiterate the need for the Conference on Disarmament to adopt as soon as possible a balanced and comprehensive programme of work that takes into account the real disarmament priorities.

For Cuba, nuclear disarmament is and must remain the highest priority in the field of disarmament and should be given the highest priority on the Conference's programme of work.

Finland

[Original: English]
[13 May 2013]

The amount of fissile material for weapons purposes in the world should be as small as possible, and the existing fissile material stockpiles should be subject to as strict control as practicable.

A treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices must not in any way form a barrier to peaceful uses of nuclear energy.

Finland supports the start of treaty negotiations as soon as possible. Finland is in favour of a multilateral, non-discriminatory and verifiable treaty. The treaty would be an important next step in the pursuit of disarmament and the goals of the Treaty on the Non-Proliferation of Nuclear Weapons.

The Group of Governmental Experts should discuss the most controversial issues. One of the Group's main tasks would be to consider the verification mechanism of such a treaty.

France

[Original: French, English]
[14 May 2013]

The launch of negotiations at the Conference on Disarmament on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices is a priority for France. It is the next logical step towards creating the conditions for a world free of nuclear weapons, in accordance with the goals of the Treaty on the Non-Proliferation of Nuclear Weapons within the framework of a realistic approach based on gradual concrete gestures. France considers resolution 67/53 to be a useful contribution to discussions with a view to preparing the future negotiation of a legally binding international instrument.

The goal of the treaty is to quantitatively limit arsenals through the shutdown of production of fissile material for nuclear weapons. Like the Comprehensive Nuclear-Test-Ban Treaty, which it supplements, the fissile material treaty should be a universal treaty. As its aim is to contribute to nuclear disarmament, it appears essential that all countries which currently possess nuclear weapons should accede to it. Regarding non-nuclear-weapon States parties to the Non-Proliferation Treaty, and insofar as the fissile material treaty does not primarily aim to combat nuclear proliferation, it should involve no additional obligation for these countries. By the time it enters into force, all States concerned should declare, as France has already done, a moratorium on the production of fissile material for nuclear weapons.

The scope of the fissile material treaty is determined by the goal which is sought. It should cover only material and facilities which could truly allow circumvention of the treaty. As the treaty covers the shutdown of the production of fissile material for nuclear weapons, the corresponding preconstituted stocks are by definition excluded from its scope. Moreover the treaty should not ban the production of fissile material for civilian uses or for non-explosive military purposes.

The implementation of the treaty cannot be dissociated from the establishment of a credible verification regime. Verification must be carried out in compliance with two fundamental principles: preserving national security interests, and preventing the transfer of confidential information on nuclear weapons, in accordance with article I of the Non-Proliferation Treaty. Verification has three chief goals:

- Certifying the shutdown of dedicated means of production until dismantled or converted for civilian purposes
- Preventing, through the controls of IAEA in the relevant civilian facilities with regard to the goal of the treaty, the diversion of fissile material from civilian activities
- Handling suspected prohibited activities.

Regarding diplomatic provisions, France states its preference for the conclusion of a treaty of unlimited duration. It should also provide for a system allowing effective sanctioning of violations, and a withdrawal clause whose conditions must be regulated to avoid any abusive exercise of that right.

Germany

[Original: English]
[9 May 2013]

Germany attaches fundamental importance to the early commencement of negotiations on a treaty banning the production of fissile material, without prejudice to its actual scope, as the next logical and sensible step towards nuclear disarmament. Germany also considers such a treaty an important non-proliferation instrument. The treaty would offer a unique opportunity to establish a non-discriminatory treaty regime by creating essentially equal obligations for nuclear-weapon possessor States and non-nuclear-weapon States alike; cap the quantitative nuclear arms race and thereby instil new momentum into the process of nuclear disarmament, thus helping to maintain the integrity of the Treaty on the Non-Proliferation of Nuclear Weapons. Therefore, Germany believes that blocking the commencement of negotiations on the treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, which condemns the world's sole multilateral disarmament negotiating forum, the Conference on Disarmament, to further stalemate, is not in the well-understood long-term interest of any State.

Hungary

[Original: English]
[9 May 2013]

In the view of Hungary, the elimination of nuclear weapons is not a single act, but rather a step-by-step process, in which the banning of the production of fissionable materials for weapons purposes is the long overdue "next logical step". The early commencement of negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices is an internationally recognized priority, which has been reaffirmed by important decisions and documents of different multilateral forums.

The Hungarian proposal includes suggestions for the following:

- A definition of fissile material
- A definition of what the production of fissile material entails
- A verification system entrusted to IAEA
- The inclusion of existing stockpiles in the scope of a fissile material treaty.

Definition. Hungary suggests that the definition of "fissile material" should contain neptunium-237, plutonium-239, plutonium mixtures, uranium-233, uranium enriched in the isotope 235, with the exception of plutonium mixtures with plutonium-238 concentrations equal to or more than 80 per cent; uranium enriched in the isotope 235 with concentrations less than 20 per cent; and fissile materials mixed with fission products (irradiated).

Production. Hungary suggests that "production" includes the following: (a) enrichment of uranium in uranium-235; (b) separation of plutonium and/or neptunium-237 from irradiated uranium; (c) separation of uranium-233 from irradiated thorium; and (d) conversion of fissile material into weapon-usable form.

Verification. Hungary is in favour of a mandate for the treaty verification being given to IAEA.

Scope/stockpiles. The elimination of existing stockpiles is envisaged to be part of the treaty on a phase-out basis. The issue of stockpiles should not hamper the verification of a fissile material cut-off right after the treaty's entry into force. Establishment of an accountancy and verification system of fissile material stockpiles may be subject to an additional protocol to the treaty at a later stage.

India

[Original: English]
[14 May 2013]

Without prejudice to the priority attached to nuclear disarmament, India supports international efforts aimed at early commencement of negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in the Conference on Disarmament, in accordance with the mandate explicitly reflected in resolution 48/75 L, and later reconfirmed in the Shannon report (CD/1299), to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The agreed mandate set out in CD/1299 continues to be valid and relevant and should remain unchanged.

The Conference as the world's single multilateral disarmament negotiating body is the appropriate forum for negotiating such a treaty. The Conference as the agreed forum for treaty negotiations was one of the key elements of the consensus contained in CD/1299. The work on the treaty in the Conference and its subsidiary body should be conducted in accordance with the rules of procedure of the Conference and on the basis of strict adherence to the rule of consensus.

A fissile material treaty must be a treaty for banning the future production of fissile material for nuclear weapons or other nuclear explosive devices. If

implemented in good faith through universal participation and adherence, it will make a significant contribution to nuclear non-proliferation in all its aspects. It would be a step towards nuclear disarmament but would not in itself be a disarmament measure.

The obligations and responsibilities arising from the treaty must apply in a non-discriminatory manner in particular, to all States parties directly affected by the treaty's obligations and responsibilities. The treaty would be global in character, thus excluding any regional specificity. It should include all States which are essential stakeholders for the treaty and thus critical for its universal adherence. The dynamic correlation between scope, definitions and verification will be an important factor in the treaty, also taking into account the costs of implementing the treaty. The mechanism for verifying the obligations enshrined in the treaty will be decided in the treaty negotiations and cannot be prejudged or agreed in advance. The treaty should not place an undue burden on military non-proscribed activities.

India would be willing to join only a non-discriminatory, multilaterally negotiated and internationally verifiable treaty, as and when it is concluded in the Conference, provided its national security interests are fully addressed. India is a nuclear-weapon State and a responsible member of the international community and will approach treaty negotiations as such. The establishment of the Group of Governmental Experts under General Assembly resolution 67/53 cannot and does not replace the Conference as the forum for the negotiation of the treaty. The work of the proposed Group amounts to neither prenegotiations nor negotiations on a treaty, which should take place in the Conference.

Indonesia

[Original: English]
[16 May 2013]

Global nuclear disarmament is the highest priority, and any substantive advancement on a fissile material treaty should be in keeping with the objective of achieving the complete elimination of all nuclear weapons.

While we agree that there should be negotiations for the treaty, we remain of the view that there should also be negotiations for a nuclear weapons convention, negative security assurances and the prevention of an arms race in outer space.

The fissile material treaty must ban existing stocks as well as future production of fissile materials for nuclear weapons or other nuclear explosive devices. Additionally, the scope of the treaty should extend to an effective and transparent international verification mechanism.

The treaty should be negotiated in the Conference on Disarmament, the sole multilateral negotiating forum for disarmament. Furthermore, it should be multilateral, non-discriminatory and verifiable.

International verification of such a treaty will make a vital contribution to global nuclear disarmament, and create confidence and trust for its possible universality. Many non-nuclear-weapon States have accepted the IAEA comprehensive safeguards on all of their nuclear programmes in order to verify their commitment to not divert nuclear materials for weapons. However, nuclear-weapon

States are not required to have similar safeguards on their nuclear facilities. A verified fissile material treaty will help to redress the imbalance between the rights and obligations of nuclear-weapon States and non-nuclear-weapon States. The International Atomic Energy Agency can be given the task of conducting the verification mechanism for the treaty.

The treaty must clearly state that the States parties, in addition to eliminating their existing stocks, shall not produce, acquire from any source or transfer to any recipient or use fissile materials for nuclear weapons or other nuclear explosive devices.

The object and purpose of a fissile material treaty must reflect the treaty as a concrete tool in achieving the goal of a world without nuclear weapons.

Islamic Republic of Iran

[Original: English]
[30 May 2013]

In the view of the Islamic Republic of Iran, the existence of nuclear weapons and their vertical and horizontal proliferation is the most serious threat to international peace and security. Therefore, the total elimination of nuclear weapons is the only absolute guarantee against their threat and use, and a prerequisite for the establishment of a nuclear-weapon-free world. The first and best practical measure to achieve this noble goal is the early conclusion of a nuclear weapons convention to prohibit the production, development, possession, stockpiling, use or threat of use of nuclear weapons under any circumstances, and provide for their total elimination at the earliest date, in an irreversible and transparent manner and under strict international verification.

The Islamic Republic of Iran strongly believes that any instrument which is to ban the production, and provide for the total elimination, of fissile material for nuclear weapons or other nuclear explosive devices, should be comprehensive, non-discriminatory and under strict international verification. Accordingly, its scope must cover the past, present and future production of fissile material and provide for the declaration and total elimination of all stocks of such material at a fixed date, in an irreversible and transparent manner and under strict international verification. It also should not provide, in any way whatsoever, the grounds for the recognition of any new status for nuclear-weapon possessors. It should oblige all nuclear-weapon possessors and all nuclear-weapon States, without exception, to completely end the production of fissile material and to declare and destroy all their stockpiles of such material within a specified framework of time, in an irreversible, transparent and internationally verifiable manner. Additionally, such an instrument must be of a nuclear disarmament nature and not another non-proliferation instrument, and should not add to the burden of the non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Ireland

[Original: English]
[17 May 2013]

To constitute an effective measure relating to nuclear disarmament, within the terms of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, Ireland suggests that the objectives of the treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices should be to prohibit any future production of fissile material for nuclear weapons or other nuclear explosive devices; to require the placement of all civil stocks of fissile material under verification safeguards, such that the material cannot be diverted to uses in nuclear weapons or other nuclear explosive devices; to require the placement of all non-civil stocks declared as excess under verification safeguards, such that the material cannot be diverted to uses in nuclear weapons or other nuclear explosive devices; and to require the destruction or conversion to exclusively peaceful uses of any facilities previously used for the production of fissile material for nuclear weapons or other nuclear explosive devices. These core objectives should form the basis of the treaty's general obligations.

In terms of defining the term "fissile material", the starting point should be the definition contained in article XX of the Statute of IAEA. The Agency should be given the task of advising the Group of Governmental Experts on related issues.

The Agency should also be invited to advise the Group on the feasibility of using existing safeguards structures and arrangements as a means to aid the implementation of the treaty, and to offer views as to whether and to what extent new structures or arrangements might require to be devised, having regard to the particular objectives of the treaty. To that end, useful guidance might also be sought from other treaty regimes, such as, for example, the Chemical Weapons Convention and the Comprehensive Nuclear-Test-Ban Treaty.

Italy

[Original: English]
[13 May 2013]

A substantive discussion on the treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices should address five issues, which are set out below.

Definitions. Two key principles should apply: feasibility and credibility. The definition of fissile materials should include those materials that with current or near-term predictable technology and equipment have a reasonable probability of being used in the manufacture of nuclear explosive devices, principally the relevant isotopes of uranium and plutonium. Furthermore, the definition of fissile materials should be such that it allows verification without undue technical complications or excessive expenditure. Any definition should be broad enough to make the treaty credible and effective, but not so extensive as to imply unacceptably complex and expensive verification procedures or unnecessary limits to the peaceful uses of nuclear energy.

Verification. Provisions on verification are essential to any disarmament and non-proliferation treaty. A treaty verification system should aim at both fissile materials and production facilities. As for fissile materials, the purpose should be to verify any discrepancy between actual production and the declared one and the non-diversion of existing fissile material, including that in civil use. With regard to production facilities, it should be to ascertain the absence of undeclared production and the irreversible conversion or dismantlement of production facilities formerly used for nuclear weapons purposes. The agency given the task of verification should be IAEA.

Nuclear fuel. Highly enriched fissile material is also used as fuel for naval vessels. Negotiation on a treaty will have to decide whether this fissile material should be covered by the provisions of the treaty, and, if so, how.

Production plants. The problem of production facilities of weapons-grade fissile material is to be addressed.

Stockpiles. Stockpiles are the real stumbling block. The views expressed so far in the Conference on Disarmament, unsurprisingly, have been radically different, but in this line of work nothing is ever black or white. Thinking it through should lead to possible compromise solutions.

Japan

[Original: English]
[13 May 2013]

Japan is of the view that a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices:

(a) Should be negotiated in accordance with the mandate contained in the Shannon report (CD/1299). In view of the sustained consensual support for the mandate, its reopening would be counterproductive. Moreover, it provides a flexible basis for dealing with existing stocks in the course of negotiations (see paragraph 9 of the full report of Japan's views, available from http://www.unog.ch/80256EDD006B8954/(httpAssets)/778B94BEAE525FAFC1257B7C0041839D/$file/JAPAN.pdf);

(b) Should encompass various activities as core obligations rather than focus merely on a commitment not to undertake production of fissile material for nuclear weapons. The core obligations may include closing down/decommissioning former production facilities and refraining from reversion/diversion of fissile material from civil to military purposes (paragraphs 11-12);

(c) Should feature a broad general-purpose criterion to define prohibited materials and production activities ("definitions"), to the extent that this does not adversely impact peaceful uses of nuclear energy (paragraphs 14-15);

(d) Should provide for verification, not of only non-production of fissile material but of other obligations as well ("verification") (paragraphs 16-17);

(e) Can treat "definitions" and "verification" flexibly and separately. Technological limitations and considerations of cost-effectiveness should not restrict the scope of materials and activities subject to verification (paragraphs 18-19);

(f) Can address various aspects pertaining to existing stocks of fissile material. Regarding the matter of whether to include existing stocks within the scope of the treaty, it would be best to first examine concretely what is meant by "existing stocks" and "including within the scope" of the treaty. Only then will it be possible to find common ground on the issue (paragraphs 20-23).

Libya

[Original: Arabic]
[9 May 2013]

The States members of the League of Arab States reaffirm that the Conference on Disarmament is the sole multilateral negotiating body for disarmament operating under the auspices of the United Nations, in accordance with the mandate established by the first special session of the General Assembly devoted to disarmament, held in 1978. That session also affirmed that nuclear disarmament was an absolute priority.

The Group of Arab States emphasizes that the deadlock in the Conference on Disarmament is in no way due to any shortcoming in the Conference itself but can rather be attributed to the lack among certain parties of the political will needed to make tangible progress towards disarmament and, consequently, the elimination of nuclear weapons.

The four items on the Conference agenda, namely, nuclear disarmament, a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices,[1] prevention of an arms race in outer space and negative security assurances, are part of the comprehensive agenda on nuclear disarmament and no single item should not be given priority over the others.

In that connection, the Group of Arab States reiterates its appeal to the Conference on Disarmament to agree on a balanced and comprehensive programme of work that also includes the commencement of negotiations on a treaty banning the production of fissile material. The Group also reiterates its appeal for flexibility with a view to facilitating agreement on such a programme.

The Group of Arab States further believes that any negotiations on a treaty banning the production of fissile material must take place on the basis of the following:

The Conference on Disarmament must be the sole negotiating forum. All efforts should be aimed at facilitating negotiations under the auspices of the Conference, not establishing parallel mechanisms;

The treaty must be comprehensive, non-discriminatory and internationally verifiable;

In order to achieve the goal of disarmament, the treaty must prohibit the future production and stockpiling of such material.

[1] Without prejudice to the position of the Group of Arab States set out in this document, the name of the treaty is given as it appears in the resolution.

Mexico

[Original: Spanish]
[17 May 2013]

Mexico, like other States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, recognizes the need to conclude a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices that includes existing fissile material, as one of the steps towards the complete elimination of nuclear weapons. The treaty negotiations should be part of a broad and comprehensive nuclear disarmament and non-proliferation process.

In that connection, the said instrument must contemplate the regulation of existing fissile material, a verification mechanism and confidence-building measures.

Mexico believes that a verification system must be defined to ensure that information is kept secure and confidential, under the IAEA verification system, without the need to create a new agency.

Bearing in mind that IAEA and several of its member States have laboratories and staff qualified to carry out the work of monitoring the source of fissile material, it would be unnecessary to create new infrastructure for that purpose.

It is critical that fissile material storage facilities be placed under an accountability and control system with the broadest possible scope, since they are a proliferation risk. Mexico therefore suggests that States should declare all fissile material in their possession, in an effort to reduce reserves gradually, and that they should place that material under the IAEA comprehensive safeguards system.

It is also essential that the treaty contemplate banning the "direct use" of fissile material for the production of nuclear weapons and the transfer for nuclear weapon-related purposes of fissile material produced for civilian use. In addition, the future treaty should class neptunium and americium as fissile material, given their fissile nature and potential for use in a nuclear weapon.

In accordance with its obligations as a non-nuclear-weapon State and State party to the Treaty on the Non-Proliferation of Nuclear Weapons, Mexico supports promoting the use of low-enriched uranium for peaceful purposes and banning States not party to the treaty from acquiring or receiving fissile material for nuclear weapons or other nuclear devices and from helping third countries in any way to produce fissile material for explosives.

Netherlands

[Original: English]
[14 May 2013]

The Netherlands aims for an ambitious treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. At the same time, we realize that reaching that aim requires mutual understanding of the political and technical challenges and a willingness to compromise, as there are many differing views on the fissile material treaty. We look forward to contributing to reaching a successful treaty in a creative, pragmatic and flexible way. We have outlined several ideas below.

Limiting the amount of weapons-grade nuclear material is consistent with our aim to enhance nuclear security and one of the priorities of the nuclear security summit which the Netherlands will host in 2014. In the absence of progress in the Conference on Disarmament and to ensure continued attention and improve the prospects for future negotiations, the Netherlands organized and funded several events and meetings on a fissile material treaty, aiming to identify possibilities and challenges for such negotiations.

In the view of the Netherlands, the basic elements of such a treaty could include a ban on producing fissile material for nuclear weapons or other nuclear explosive devices, a ban on acquiring fissile material for weapons and on transferring it to third countries, a ban on converting fissile material for civilian purposes for use in weapons and a requirement that States parties to the treaty disable, decommission and, where feasible, dismantle their fissile material production facilities for weapons, or reconfigure them.

The treaty should also contain provisions on an effective verification mechanism. It would be logical to give IAEA the task of verifying the obligations of States parties under such a treaty, as the Agency is the organization with the most capacity and international experience on nuclear safeguards. Verification should focus chiefly on existing and former military fissile material production facilities. Preferably, States possessing nuclear weapons should join the IAEA safeguards regime for their entire nuclear fuel cycle. Access to military facilities could be managed by provisions similar to the "managed access" clauses currently used to prevent sensitive commercial information from being disclosed during inspections of civilian nuclear fuel cycle processes. The Netherlands, hosting a significant peaceful nuclear industry, is happy to share its experiences with safeguarding and verifying nuclear facilities, including those relating to managed access.

With regard to the scope of the treaty — whether to include existing military stocks or not — the Netherlands would like to be ambitious. At the same time, as we are aware of the different points of view, we aim to work towards a compromise. One issue that has to be prominently addressed is transparency. Transparency should be both the result of a fissile material treaty and an important building block towards it. Further issues that need addressing are the costs of verification and the entry into force of the treaty.

We believe that the Shannon mandate is a good basis for negotiations, but flexibility from all sides is important concerning the exact wording of a negotiating mandate, on the issue of existing stocks as well as on other issues. Participation as broad as possible and in particular that of States possessing nuclear weapons is crucial for the treaty to be effective. In our view, the Group of Governmental Experts should identify all relevant issues to be addressed in the treaty, pinpoint the difficulties and focus on finding common ground. It might be worthwhile to consider establishing a committee of scientific experts to work on more technical issues and advise the negotiators before or during negotiations. We see ourselves as a potential bridge-builder and are willing to take responsibility both in the preparations and in actual negotiations.

Nigeria

[Original: English]
[14 May 2013]

During the sixty-seventh session of the General Assembly, Nigeria joined 165 countries that voted in favour of the resolution on a treaty banning the production of fissile material for nuclear weapons or other nuclear devices.

Nigeria wishes to reiterate that while such a treaty could be an important qualitative disarmament measure, it should also be stressed that the potential of this resolution might not be fully realized if the measures being considered are limited only to the future production of fissile materials while neglecting the challenges of existing stocks.

Nigeria believes that the question and challenges of existing stocks of fissile materials should be included in the task assigned to the proposed Group of Governmental Experts with a membership of twenty-five States chosen on the basis of equitable geographical representation, as recommended in the resolution. In addition, we wish to underscore that the Group's mandate could also include but not be limited to the following: all fusion and fission devices, nuclear testing, enrichment, reprocessing, separation, purification and other related issues. We are of the strong view that a holistic approach to the consideration of the preceding issues will further enrich the proposals and recommendations to be submitted to the Secretary-General, for onward transmission to the Conference on Disarmament.

Norway

[Original: English]
[14 May 2013]

Norway welcomes the decision by the First Committee to establish a working group on a treaty banning the production of fissile materials for nuclear weapons or other nuclear devices. Such a treaty could be an important contribution to promoting disarmament and preventing proliferation. It is the view of Norway that the full potential of such a treaty would be reached only if it were also to include measures regarding existing stocks of fissile materials. They would further the value of the treaty as a measure to support the goal of eliminating nuclear weapons. We are looking forward to studying the report of the working group and its recommendations to the General Assembly at its sixty-eighth session.

Pakistan

[Original: English]
[1 May 2013]

While global disarmament and arms control efforts are supposed to promote collective security, States join such processes only if the instrument or treaty under negotiation does not imperil their fundamental security interests. This has been recognized in paragraph 29 of the Final Document of the Tenth Special Session of the General Assembly.

Pakistan did not introduce nuclear weapons in South Asia. It was compelled to respond to the development of nuclear weapons by our neighbour, leading to its nuclear tests in 1974 and subsequently in 1998.

Since the idea of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices was introduced at the Conference on Disarmament in 1995, Pakistan has insisted that such a treaty should not only ban future production of fissile material but also address the serious asymmetry in fissile material stockpiles, especially in South Asia.

Pakistan's concerns regarding asymmetry in stocks have been further accentuated as a result of the discriminatory policies relating to selective "civilian nuclear cooperation", guided by strategic and commercial interests of some States, which has enhanced the production of fissile material for military purposes by our neighbour. In such circumstances, Pakistan has been compelled to oppose negotiations for a treaty on fissile material that would halt only future production, as that would permanently freeze its disadvantage and undermine its deterrent capability. In such a situation the so-called "constructive ambiguity" of the Shannon mandate is not sufficient to address our security concerns.

Moreover, we need to recognize that a fissile material treaty was conceived as a step towards nuclear disarmament and not merely non-proliferation. The treaty, as currently conceived for negotiations in the Conference, would have no impact on States that now have superfluous fissile material for weapons purposes. Unless such a treaty unambiguously covers the question of reducing existing stockpiles of fissile material, it would make no contribution to nuclear disarmament.

The deadlock in the Conference is not a recent development. No negotiations have taken place in the Conference since 1996 owing to differences over varying priorities. Indeed, it is due to considerations of national security of some States that no progress has been made in the Conference in over three decades to even begin negotiations on issues such as nuclear disarmament, negative security assurances and the prevention of an arms race in outer space. Pakistan's opposition to the commencement of negotiations on a fissile material treaty in the Conference on grounds of national security is, therefore, neither exceptional nor unprecedented.

Unless a level playing field is provided in South Asia, Pakistan would not be able to join negotiations on the treaty. Pakistan believes the establishment of the Group of Government Experts under the mandate of the General Assembly undermines the role of the Conference. The mandate of the proposed Group of Governmental Experts, to discuss substantive aspects of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, could easily be fulfilled in the Conference. A balanced consideration of all issues on the Conference's agenda, under the well-established principle of equal and undiminished security of all States, can break the deadlock.

Peru

[Original: Spanish]
[29 April 2013]

Resolution 67/53 has revitalized the question of banning the production of fissile material to further nuclear disarmament and non-proliferation, which are laudable

aims that should be supported. It is therefore crucial to discuss and clearly define the provisions of the treaty and to analyse the role of the international safeguards system, whose purpose appears to encompass implicitly the treaty's objectives.

In that connection, it is important to discuss the issues below, which should be considered in the proposal.

Nuclear material used in nuclear weapons must have basic characteristics that allow it to be used, such as the type of material, its enrichment grade and the quantity. In that connection, it is essential to define the fissile material that the treaty will cover, bearing in mind that plutonium-239 and uranium-233 are produced in a reactor and, in order to be useful, require chemical separation from fission products, while uranium-235 originating from natural uranium must be highly enriched, possibly higher than 90 per cent. Significant quantities specified by IAEA for controls are 8 kg of plutonium-239 and 25 kg of highly enriched uranium-235. These factors will therefore need to be considered.

In using nuclear material to generate electricity, plutonium-239 is created by irradiating uranium-238, which absorbs a neutron and decays to plutonium-239, and uranium-233 is formed when thorium-232 is irradiated in a reactor. Uranium-235 occurs naturally but requires enrichment. In order for them to be used, chemical separation, enrichment and reprocessing processes must be carried out, as appropriate. Merely creating this fissile material will not mean that it has been "produced", since special technological processes are required to achieve weapons-grade nuclear material. It will therefore be necessary to clearly define the scope of the word "production", as too strict a definition could unduly affect the peaceful use of nuclear material or even its use in naval reactors that require highly enriched uranium.

There are currently reserves of fissile material that could be used in various ways, including in nuclear weapons. These stocks, with a few exceptions, are not covered by safeguards. In that connection, it should be determined whether this fissile material, already produced in the past, should be covered by the treaty.

Compliance with the treaty would be subject to an additional international verification regime that would possibly be in addition to the safeguards regime. How this regime will be applied must be discussed, taking into consideration that obligations exist under the IAEA safeguards agreements, which seek, in every sense, to restrict the production of fissile material for non-peaceful purposes.

To achieve a treaty banning the production of fissile material for nuclear weapons that will contribute to nuclear disarmament and non-proliferation, it will be necessary to discuss and analyse issues related to the definition of fissile material and the word "production", whether fissile material stocks should be included and the relationship with the international IAEA safeguards regime.

Poland

[Original: English]
[10 May 2013]

Poland attaches priority to the immediate commencement of the negotiation in the Conference on Disarmament of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, on the basis of

document CD/1299 of 24 March 1995, which has been subsequently referred to in decision CD/1864.

We are convinced that the treaty, by banning the production of fissile material for nuclear weapons or other nuclear explosive devices, would contribute significantly to nuclear disarmament efforts under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. The treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices constitutes the next multilateral instrument to be negotiated in the nuclear disarmament field as a complement to the Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty. The international community's support for the immediate commencement in the Conference of negotiations on a fissile material treaty in the Conference on Disarmament has been expressed on many occasions.

Poland has always actively supported the immediate commencement of treaty negotiations within the framework of the Conference, on the basis of decision CD/1864. Moreover we have also supported other solutions leading to the start of talks. Poland also took an active part in the consultations on the practical and technical aspects of the feasibility of fissile material treaty verification, which were carried out within the framework of the Non-proliferation and Disarmament Initiative under the German leadership in Vienna.

Qatar

[Original: Arabic, English]
[11 March 2013]

The State of Qatar supports the signing of a convention on the banning of the production of fissile material for nuclear weapons and other nuclear explosive devices, provided that the convention is multilateral, is not discriminatory, includes the current inventory and can be effectively verifiable at the international level. The State of Qatar believes that this convention will contribute to a large extent to the prevention of nuclear proliferation and the promotion of nuclear disarmament.

Republic of Korea

[Original: English]
[28 June 2013]

The international community should commence negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices at the earliest possible date, with a view to adopting a multilateral, non-discriminatory and internationally and effectively verifiable treaty.

The Republic of Korea supports the establishment of the Group of Governmental Experts in accordance with resolution 67/53, and hopes that the Group will play a valuable role in facilitating discussions and negotiations.

The Republic of Korea supports a ban on the production of fissile material for nuclear weapons or other nuclear explosive devices. Regarding the definition of fissile material that is to be banned, it would be a good approach to include therein

unirradiated direct use material and other special fissionable material to be specified by the international community at a future stage.

The treaty should not hinder the production, use and development of fissile material for peaceful uses, since States have the right to produce, use, store and process fissile material for peaceful uses under the international verification system.

With regard to existing stockpiles, the Republic of Korea believes that it would be best to first commence the negotiations on a treaty, and discuss the issue of existing stockpiles at a later stage during the negotiations.

The treaty should include appropriate verification mechanisms, and the Republic of Korea supports the approach of utilizing IAEA as an inspector. In discussing concrete methodology for inspections, such factors as effectiveness and cost should be taken into account.

With regard to ratification requirements, taking into account the lessons learned from the Comprehensive Nuclear-Test-Ban Treaty, the Republic of Korea suggests that the treaty require ratification by a certain number of countries, including the five nuclear-weapon States, based on a practical approach.

Pending the adoption and implementation of a fissile material treaty, all States with nuclear weapon capabilities should voluntarily declare moratoriums on the production of fissile material for weapons purposes without further delay as an interim measure, if they have not yet done so.

Serbia

[Original: English]
[24 May 2013]

In accordance with the Treaty on the Non-Proliferation of Nuclear Weapons and its status as a non-nuclear-weapon State, Serbia does not possess nuclear weapons or equipment for the production of nuclear fission materials or nuclear explosive devices and does not plan to develop or procure equipment or materials for their production.

Serbia considers that the treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices will complement and reinforce the existing legal framework established for the purpose of disarmament and prevention of nuclear weapons proliferation. The treaty should cover both the production and the existing stockpiles of fissile material, in view of the fact that the present stocks of uranium and plutonium intended for military use are very important. The essential elements of the treaty are as follows:

- Moratorium on the production of fissile material for nuclear weapons and other nuclear explosive devices
- Establishment of a verification system, including monitoring fissile material production facilities and keeping records of those materials
- The verification system must be in place in both the nuclear-weapon States and the non-nuclear-weapon States. The latter States are already implementing this verification procedure through the Non-Proliferation Treaty by way of monitoring and control activities carried out by IAEA

– Closing as well as decommissioning military fissile material production facilities or their conversion into facilities for the production of fissile material for peaceful applications

– Providing guarantees that the fissile material produced for peaceful uses will not be used for military purposes, that is, for the production of nuclear weapons or other nuclear explosives

Particular emphasis should be placed on openness and transparency in the implementation of such a treaty to build global confidence among the States parties regarding the fissile material production issue.

South Africa

[Original: English]
[16 May 2013]

South Africa has long promoted a world without nuclear weapons. As part of the systematic and progressive approach towards achieving nuclear disarmament, South Africa is fully supportive of negotiations on a treaty that would ban the production of fissile material for nuclear weapons and other nuclear explosive devices that fulfils both nuclear non-proliferation and nuclear disarmament objectives.

While a fissile material treaty would reinforce the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons and complement the Comprehensive Nuclear-Test-Ban Treaty, it would also constitute an essential element of a comprehensive framework of mutually reinforcing instruments aimed at achieving and maintaining a world without nuclear weapons.

Over the years many issues have complicated agreement on the commencement of negotiations on a fissile material treaty. Those issues have included the mandates of subsidiary bodies in the Conference on Disarmament, the vexed "linkage" question, the scope of the treaty and especially whether it should include past production and fissile material stocks, questions about its verification, as well as concerns regarding the utility of a cut-off treaty as a genuine nuclear disarmament step that will not merely freeze the status quo.

As the first country to have developed and then completely eliminated its nuclear weapons, South Africa is fully aware of the complexities associated with a future treaty. Contrary to arguments about the limitations of such a future, the experience of South Africa has shown that despite significant technical complexities that will need to be acknowledged and addressed, all of them can be overcome with the necessary political will. While acknowledging the difficulties associated with the past production of fissile material, South Africa strongly believes that the question of stocks needs to be addressed in a future treaty for it to be a credible disarmament instrument. A fissile material treaty that fulfils disarmament objectives will necessarily also have to give effect to the principles of transparency, irreversibility and verification agreed to during the review conferences of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons in 2000 and 2010.

For such a treaty to be fully effective, we believe that it should be the product of multilateral disarmament negotiations. The non-nuclear-weapon States under the Non-Proliferation Treaty already have a verifiable obligation not to produce fissile

material for nuclear weapons purposes. The conclusion of an agreement without the participation of those States that do not have existing obligations would therefore not be meaningful. Although South Africa remains ready to commence negotiations immediately on such a treaty, it does not subscribe to the view that this is the only issue "ripe" for negotiation, or that the commencement of such negotiations should become a prerequisite for further progress on nuclear disarmament. As a meaningful disarmament step, a fissile material treaty cannot be separated from the overall objective, which is and should remain a comprehensive framework of mutually reinforcing instruments aimed at the establishment and maintenance of a world without nuclear weapons.

In 2002, South Africa submitted a working paper to the Conference on a fissile material treaty (CD/1671). Building upon that paper, South Africa's reflections on the possible scope and requirements of a fissile material treaty have been submitted as a contribution to the work of the Group of Governmental Experts that will be convened in 2014 (full text available from the website of the Conference; see para. 4).

Sweden

[Original: English]
[16 May 2013]

Sweden regards a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices as a key disarmament and non-proliferation element, integral to any framework of mutually reinforcing legal instruments for achieving and maintaining a world without nuclear weapons. Looking forward to the establishment of the Group of Governmental Experts, Sweden would be ready to take an active part in the deliberations of the Group. With significant competence and experience relating to, inter alia, technical verification work, Sweden considers itself well equipped to contribute to efforts towards preparing the ground for the treaty, both technologically and otherwise. Sweden has continuously addressed issues related to the treaty and would like to provide preliminary and non-exhaustive comments on some central treaty-related issues as "food for thought" for future discussions. It will be important to define and agree on how its expected utility can best be maximized by a future treaty. While discussions in the Group are likely to be broad, it is possible to identify several important technical and organizational issues that the Group could address, and in so doing create a more solid basis for future substantive work. This would include a careful assessment of the feasibility of necessary verification measures. The work of the Group could make an important contribution to further clarification of technical and other implications of a variety of scopes and definitions of fissile materials in a treaty, including the issue of addressing existing stocks of fissile material and how such stocks could be defined and classified.

Relevant technical issues of this type include, for example:

- Discussion of possible definitions of military and civilian stocks. The choice of definitions will impact the effectiveness and/or intrusiveness of the treaty verification regime. The verification of fissile material flows between facilities using different stock definitions could also be investigated.

- The term "fissile material" is not formally defined or used in any verification regime. Possible definitions of fissile material and their implications for treaty verification and scope are among crucial issues that the Group could explore.
- What is meant by "production" of fissile material?
- The verification regime would most likely include many of the verification techniques already part of the IAEA nuclear safeguards toolbox, tailored to fit a fissile material treaty. There are also, however, verification techniques used in other applications or under development that could be further investigated with respect to future treaty verification. This is particularly true for verification of clandestine production of fissile material. Ideally, the outcome of the work of the Group should result in a set of recommendations for the scope, definitions and verification of a future treaty.

Switzerland

[Original: English]
[6 June 2013]

A treaty on fissile material for nuclear weapons is long overdue and represents a priority for Switzerland. Reaching an understanding on modalities should not be made a precondition for beginning negotiations. A treaty should strengthen and complement the existing nuclear non-proliferation and disarmament regime. It should halt both vertical and horizontal proliferation and contribute to nuclear disarmament. Consequently, a treaty should, on the one hand, prohibit the future production of fissile material for nuclear weapons or other nuclear explosive devices, including providing for the decommissioning and dismantlement of production facilities or for their reconfiguration for peaceful purposes only.

A treaty should, on the other hand, address past production of fissile material. If only future production is covered (in a mere "cut-off treaty"), the disarmament effects will be limited. Such an approach could generate incentives for a State to produce as much material as possible before ratifying the treaty or, worse, even create incentives to delay the commencement of negotiations or the entry into force of such a treaty. By including coverage of existing stock in the treaty, nuclear disarmament will be advanced significantly, not the least by ensuring that existing fissile material excess to military requirements will never return to nuclear weapons stocks. A treaty should also ensure that stocks of highly enriched uranium for naval propulsion will not and cannot be used in nuclear weapons and other explosive devices.

Syrian Arab Republic

[Original: Arabic]
[14 May 2013]

With regard to a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, the Syrian Arab Republic wishes to affirm the following:

1. The Conference on Disarmament is the single multilateral disarmament negotiating forum of the international community.

2. The treaty must be non-discriminatory, international and multilateral, and must apply on an equal basis to all States that produce, store, possess or transfer such material. In other words, the treaty must be a non-discriminatory, international instrument.

3. A non-discriminatory and transparent international mechanism must be established to monitor the production and storage of such material.

4. The treaty must contain explicit provisions concerning a mechanism for eliminating the fissile material stockpiles of nuclear-weapon States or those of other States, regardless of how they obtained such material.

Ukraine

[Original: English]
[3 June 2013]

Ukraine strongly supports full and effective implementation of legal and institutional multilateral mechanisms to prevent the proliferation of nuclear weapons and related materials, equipment and technologies.

Ukraine continues to support the early commencement of international negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in the Conference on Disarmament. Until then, we call upon all States concerned to declare and uphold a moratorium on the production of such material.

Ukraine considers that a fissile material treaty should reflect a balance between nuclear disarmament and non-proliferation dimensions and that the issue of existing stocks of fissile materials should be addressed during the negotiation process, and should not be used to block any disarmament negotiating forum.

A draft treaty should include the following principal provisions:

- Prohibition of the production of highly enriched uranium (contains not less than 20 per cent of the uranium 235 isotope) and plutonium (the plutonium 238 isotope content is less than 80 per cent)
- An effective regime to verify compliance with the treaty, including submission of initial declarations, regular inspections of declared facilities, as well as inspections on demand to detect possible prohibited activities at undeclared objects
- Initial declaration of all objects of enrichment and reprocessing of uranium and plutonium, regardless of their current status (active, closed, dismantled or converted facilities)
- Ensure cost-effectiveness through the exclusion of all completely dismantled objects from the inspection regime
- Inspections on demand for detection of possible prohibited activities at undeclared objects should be carried out in accordance with the controlled

access procedure to prevent leakage of sensitive information relating to nuclear non-proliferation or national security interests

– A future inspection regime should not create any additional obligations in this field for non-nuclear States that are parties to the IAEA comprehensive safeguards agreements.

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[16 May 2013]

The United Kingdom of Great Britain and Northern Ireland supported the resolution to create the fissile material cut-off treaty Group of Government Experts at a meeting of the First Committee of the General Assembly in 2012. We look forward to a constructive Group that will help to set some of the parameters for a treaty, including the development of a solid technical framework to support key elements of the future treaty.

We believe that the Group will complement existing efforts to find a positive way forward in the Conference on Disarmament. The United Kingdom looks forward to participating in the Group and believes that it should consider the following:

The precise scope of the treaty, including:

- The definition of "fissile material" to be used by the treaty
- How "production" of fissile materials could best be defined
- Whether or not existing stocks of fissile material should be covered in some way

The most appropriate verification arrangements, including:

- The general approach for verification of the treaty
- Which body or bodies would carry out the verification
- How verification arrangements are treated in the treaty itself

The provisions governing the operation of the treaty itself:

- The treaty will need to outline its entry-into-force requirements, its duration, and any arrangements for review, amendment and withdrawal.

Our note to the United Nations sets out the views of the United Kingdom on each of the above-mentioned issues in fuller detail (available from the website of the Conference; see para. 4).

United States of America

[Original: English]
[10 May 2013]

The United States of America believes that achieving a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices would be an important milestone for nuclear non-proliferation as well as the next logical step in multilateral nuclear disarmament. The fundamental obligation of the

treaty would be to ban the production of fissile material for use in nuclear weapons or other nuclear explosive devices. "Fissile material" should be defined to correspond to what IAEA calls "direct-use material". "Production" of fissile material should be defined as occurring through isotopic separation — enrichment — or through chemical separation of irradiated nuclear material — reprocessing. Therefore "production facilities" would correspond to enrichment and reprocessing facilities.

A treaty verification regime would need to be negotiated as part of the treaty. All production facilities would need to be declared under the treaty, and all newly produced fissile material declared, accounted for and monitored to verify that the materials are not being diverted for use in weapons. Verification would also need to include detection of undeclared production facilities. For that purpose, measures beyond routine monitoring would be needed. A "managed access" protocol that protects sensitive information would need to be developed for that purpose.

The United States believes that IAEA is best suited and should be responsible for carrying out treaty monitoring and inspections. However, there would remain a need for higher-level decision-making on important treaty issues, such as compliance questions and the reviewing of treaty implementation. The Agency may or may not be the appropriate organization for those functions, and an organization consisting of parties to the treaty could be established.

Legitimate points for negotiation include the scope of the treaty, explicitly recognized in the Shannon mandate. The United States believes that the treaty should not place legal obligations on existing fissile material. Inclusion of existing stocks would make the treaty much more difficult to negotiate successfully. In addition, separate from a fissile material treaty, much progress has already been made, and still is being made on measures to eliminate existing stocks. Further progress could be hampered by linkage to such a treaty.

Uruguay

[Original: Spanish]
[1 May 2013]

In response to the Secretary-General's request, made in accordance with General Assembly resolution 67/53, entitled "Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices", it should be recalled that Uruguay supported that resolution, as it is a step, however small, towards initiating negotiations to agree on that instrument, which would undoubtedly be a key contribution to the cause of nuclear disarmament and non-proliferation. The instrument could also strengthen the Treaty on the Non-Proliferation of Nuclear Weapons.

Generally speaking, a treaty of this nature would make it possible to coordinate or integrate on a technical foundation various viable, or at least feasible, political initiatives to secure, consolidate and reduce reserves of highly enriched uranium and plutonium. It is well known that the control of fissile material is crucial, not only for nuclear disarmament, but also to stop the proliferation of nuclear weapons and ensure that terrorists cannot acquire them. Therefore, the fact that some States not party to the Treaty on the Non-Proliferation of Nuclear

Weapons have continued to produce plutonium and highly enriched uranium has been and continues to be a cause for concern.

It is clear that the ban on the production of fissile material should apply only to material used directly in weapons or other nuclear explosive devices. It could thus be recognized that some States may separate plutonium for recycling in civilian nuclear power reactors. The IAEA safeguards would have to be applicable to all fissile material. As is known, material such as neptunium-237 and americium-241 and -243 are not included in the "special fissionable material" category of the IAEA Statute, nor are they the subject of its safeguards regime. For that reason, the definition of fissile materials must be expanded to include the aforementioned material, and any other that can sustain a fission chain reaction.

While States parties might be required to accept the necessary safeguards to ensure that they comply with the main obligations under the treaty, it should be noted that compliance with some of the obligations laid down in the treaty cannot be easily verified using the safeguards.

Another matter that should be highlighted and retained in the proposed treaty is the possible adoption of protocols, which could facilitate contemplation of new details concerning the implementation of the proposed treaty or allow subgroups of countries to undertake additional commitments without having to amend the text itself. Consequently, depending on the circumstances, protocols could be applicable to all States parties or to a particular group.

Negotiating the treaty has not been and will not be easy. Its achievement would not only limit the materials available for the manufacture of nuclear weapons, but would also significantly strengthen measures governing disarmament, non-proliferation and arms control. Moreover, it would be a decisive step towards improving the climate of trust in a field of international security fraught with rising tensions.

III. Reply received from the European Union

[Original: English]
[31 May 2013]

For the European Union, the immediate commencement and early conclusion of the negotiation in the Conference on Disarmament of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, on the basis of document CD/1299 and the mandate contained therein, remains a clear priority. Such a treaty constitutes an urgent necessity in the nuclear disarmament field as a complement to the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty.

National security concerns, while legitimate, can and should be addressed as part of the negotiation process rather than as a prerequisite. Confidence-building measures can be taken immediately, without the need to wait for the commencement of formal negotiations. In that regard, pending negotiations and the entry into force of the treaty, the European Union calls on all States concerned to declare and uphold an immediate moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices.

All European Union member States supported General Assembly resolution 67/53. The mechanism established by the resolution represents a useful contribution to helping the Conference without undermining its authority and primary role in multilateral disarmament negotiations.

The technical expert meetings on the treaty organized by two European Union member States, Germany and the Netherlands, in May and August 2012, respectively, in support of the early commencement of negotiations within the Conference were useful; they enhanced our knowledge and understanding of technical issues.

The European Union reaffirms its strong commitment to the Conference as the single multilateral disarmament negotiating forum of the international community. The Conference, in accordance with its mandate, has the crucial role of negotiating multilateral treaties. Its ongoing stalemate remains deeply troubling. Adopting and implementing a programme of work will, inter alia, enable negotiations on a treaty.

United Nations A/68/155

General Assembly

Distr.: General
17 July 2013
English
Original: Russian

Sixty-eighth session
Item 115 (c) of the preliminary list*
Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Letter dated 15 July 2013 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a position paper in connection with the candidature of the Russian Federation for election to the Human Rights Council for the period 2014-2016 at the elections to be held in November 2013 in New York at the sixty-eighth session of the General Assembly (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-eighth session of the General Assembly under agenda item 115 (c) entitled "Elections to fill vacancies in subsidiary organs and other elections: Election of fourteen members of the Human Rights Council".

(*Signed*) Vitaly **Churkin**

* A/68/50.

13-39815 (E) 230713 250713

Please recycle

Annex to the letter dated 15 July 2013 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Position paper in connection with the candidature of the Russian Federation for election to the Human Rights Council for the period 2014-2016

The Russian Federation is a party to the overwhelming majority of the core international human rights treaties. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. Furthermore, the Russian Federation is a party to a number of optional protocols to the above treaties that provide an opportunity to examine individual communications concerning violations.

The international human rights treaties ratified by the Russian Federation are an integral part of its legal system. During its membership in the Human Rights Council, the Russian Federation became a party to a number of key instruments in this field. In 2008, the Russian Federation ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. In 2011, the Russian Federation acceded to the Convention on the Civil Aspects of International Child Abduction. In 2012, the Russian Federation ratified the Convention on the Rights of Persons with Disabilities and acceded to the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, and in 2013 it ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

The Russian Federation has no substantive reservations to the international human rights treaties to which it is a party.

The Russian Federation intends to expand the range of its international human rights obligations, taking into consideration their financial implications and the need to adapt its domestic legislation and practice.

The Russian Federation submits reports to the human rights treaty bodies in a timely manner and pays special attention to the implementation of their recommendations. Within the framework of the General Assembly, it has initiated an intergovernmental negotiating process on strengthening the work of the human rights treaty bodies that is aimed at enhancing their effective functioning.

The Russian Federation will continue to cooperate constructively with the human rights treaty bodies in the context of fulfilling its international human rights obligations.

The Russian Federation cooperates with the special procedures of the Human Rights Council on an ongoing basis. At the invitation of Russian authorities, the Special Rapporteur on the rights of indigenous peoples visited the country in 2009; the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises visited in 2010; the Special Representative on violence against children visited in 2011; and the Special Rapporteur on the realization of economic, social and cultural rights visited in 2012. In April 2013, the Special Rapporteur on the independence of judges and lawyers paid her second visit to the Russian Federation. A visit of the Working Group on business and human rights is scheduled for autumn 2013.

The Russian Federation pays particular attention to inquiries by the special procedures of the Human Rights Council in connection with alleged human rights violations. Each inquiry is examined by the relevant Russian authorities, which provide detailed substantive comments, as necessary.

The Russian Federation is of the view that the interaction between States and the special procedures of the Human Rights Council should be based on voluntary and constructive cooperation and that the special procedures should work in strict compliance with their mandates and with the Code of Conduct adopted by the Human Rights Council in its resolution 5/2 and approved by the General Assembly.

The Russian Federation will continue to develop its cooperation with the thematic special procedures of the Human Rights Council in order to achieve better compliance with its human rights obligations.

The Russian Federation actively cooperates with the Office of the United Nations High Commissioner for Human Rights. Ms. Navi Pillay, the United Nations High Commissioner for Human Rights, visited the Russian Federation in 2011. Since 2006, the Russian Federation has made an annual voluntary contribution of $2 million to the budget of the Office of the United Nations High Commissioner for Human Rights. In 2007, the Russian Federation and the Office signed a framework agreement on cooperation, under which the post of the Office's Senior Human Rights Adviser in Moscow was established.

The Russian Federation will continue to cooperate with the Office of the United Nations High Commissioner for Human Rights by supporting its programmes and projects in line with the international human rights priorities of the Russian Federation.

The Russian Federation considers the universal periodic review to be one of the key instruments of international human rights monitoring. The Russian Federation has undergone review twice — in 2009 and 2013.

At the twenty-fourth session of the Human Rights Council, the Russian delegation will outline its position on the recommendations received at the sixteenth session of the Working Group on the Universal Periodic Review.

The Russian Federation will continue its active cooperation with the universal periodic review mechanism, focusing on the implementation of accepted recommendations and advocating for the constructive and depoliticized nature of the review.

In international forums and in its domestic policy, the Russian Federation places a particular focus on countering racism, racial discrimination, xenophobia

and related intolerance. A significant portion of the Russian Federation's voluntary contribution to the budget of the Office of the United Nations High Commissioner for Human Rights goes to combating discrimination.

Russian law prohibits any form of restriction on the rights of citizens on social, racial, gender, ethnic, linguistic, religious or any other grounds, which precludes the emergence of discriminatory policies against particular groups of citizens. Discrimination is subject to criminal and administrative prosecution.

Each year the Russian Federation sponsors a resolution in the General Assembly entitled "Glorification of Nazism: inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance".

With the active support of the Russian Federation, the Durban Review Conference was held in Geneva in 2009. Its outcome document developed and supplemented the Durban Declaration and Plan of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001.

In the Human Rights Council, the Russian Federation will continue to give priority to the issue of international efforts to combat racism, racial discrimination, xenophobia and related intolerance.

The Russian Federation devotes considerable attention to combating human trafficking — a modern-day global threat as dangerous to society as the illicit drug trade and terrorism. The Russian Federation is a party to the international legal instruments on human trafficking concluded under the auspices of the United Nations. It participated actively in the elaboration of the United Nations Global Plan of Action to Combat Trafficking in Persons adopted by the General Assembly on 30 July 2010.

The Russian Federation cooperates with its partners in the Group of Friends United against Human Trafficking and participates in the meetings of the Working Group on Trafficking in Persons within the United Nations Office on Drugs and Crime and in the development of the Working Group's recommendations.

Considerable attention is paid to the financing of activities to combat trafficking. The amount of $200,000 out of the Russian Federation's voluntary contribution to the budget of the Office of the United Nations High Commissioner for Human Rights for 2010-2011 was allocated to projects at the International Training Centre in Minsk on training, advanced training and retraining of personnel in the area of migration and combating trafficking in persons. It was also decided to allocate $30,000 to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons.

The Russian Federation will continue to make a significant contribution to the development of international cooperation to combat human trafficking.

The Russian Federation believes that the foundation for the human rights dimension of United Nations activities and for the international community's human rights efforts as a whole should be the principle of equitable cooperation among States based on respect for their sovereignty.

The Russian Federation will seek to ensure that the work of the Human Rights Council is conducted in accordance with the principle of equitable and respectful cooperation.

The Russian delegation is working to advance the issue of business and human rights in the Human Rights Council. It is a member of the Group of Friends on the relevant Council resolution. A portion of its voluntary contribution to the budget of the Office of the United Nations High Commissioner for Human Rights goes to fund related activities and it is involved in organizing and holding regional consultations.

The Russian Federation is working actively at the international level to achieve the truly universal enjoyment of human rights. The Human Rights Council initiative on traditional values and human rights serves this purpose. We believe that our focus on the interconnection between traditional values and human rights will strengthen recognition of and respect for human rights within societies.

At the initiative of the Russian Federation, the Human Rights Council adopts by consensus its resolutions on "Human rights and arbitrary deprivation of nationality" and "Integrity of the judicial system". Moreover, the Russian Federation initiated the establishment of the Working Group on the review of work and functioning of the Human Rights Council, which led to the adoption of Human Rights Council resolution 16/21, laying the foundation for the future functioning of the Council and its subsidiary bodies. It also actively participated in the General Assembly's review of the status of the Human Rights Council and voted in favour of the related resolution.

The Russian Federation will play an active part in the work of the Human Rights Council and make a significant contribution to the development of its activities on various fronts for the promotion and protection of human rights.

United Nations A/68/156

General Assembly

Distr.: General
16 July 2013
English
Original: English/Russian/Spanish

Sixty-eighth session
Item 94 of the preliminary list*
Developments in the field of information and telecommunications in the context of international security

Developments in the field of information and telecommunications in the context of international security

Report of the Secretary-General

Contents

		Page
I.	Introduction	2
II.	Replies received from Governments	2
	Cuba	2
	Spain	3
	Ukraine	9
	United Kingdom of Great Britain and Northern Ireland	15

* A/68/50.

13-39735 (E) 020813 020813

Please recycle

I. Introduction

1. On 3 December 2012, the General Assembly adopted resolution 67/27, entitled "Developments in the field of information and telecommunications in the context of international security". In paragraph 3 of the resolution, the General Assembly invited all Member States, taking into account the assessments and recommendations contained in the report of the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security (A/65/201), to continue to inform the Secretary-General of their views and assessments on the following questions:

(a) General appreciation of the issues of information security;

(b) Efforts taken at the national level to strengthen information security and promote international cooperation in this field;

(c) The content of the concepts mentioned in paragraph 2 of the resolution;

(d) Possible measures that could be taken by the international community to strengthen information security at the global level.

2. Pursuant to that request, on 22 February 2013, a note verbale was sent to Member States inviting them to provide information on the subject. The replies received are contained in section II below. Any additional replies received will be issued as addenda to the present report.

II. Replies received from Governments

Cuba

[Original: Spanish]
[20 May 2013]

The hostile use of telecommunications with the declared or hidden intent of undermining the legal and political order of States is a violation of the internationally recognized norms in this area and can give rise to tensions and situations that are not conducive to international peace and security.

Cuba fully shares the concern expressed in resolution 67/27 regarding the use of information technologies and means of telecommunication that may affect international stability and security and the integrity of States to the detriment of their security in civil and military fields. The resolution also places due emphasis on the need to prevent the use of information resources or technologies for criminal or terrorist purposes.

In this regard, Cuba reiterates its condemnation of the aggressive escalation by successive administrations of the United States of America of their radio and television war against Cuba, which violates the current international rules governing the radio-electric spectrum. This aggression is being perpetrated without regard for the damage that could be caused to international peace and security by creating dangerous situations, including the use of a military aircraft to transmit television signals to the Republic of Cuba without its consent.

Transmissions from aircraft are a violation of regulation 42.4 of the International Telecommunication Union (ITU) Radio Regulations, which prohibits the operation of a broadcasting service by an aircraft station at sea and over the sea.

In 2012, the United States made 192 flights during which, in addition to the illegal transmission of television signals from aircraft into Cuban territory, it simultaneously made illegal FM radio transmissions. These acts caused interference with Cuba's television stations, which are registered in the ITU Master International Frequency Register.

Each week, broadcasters located in United States territory transmit an average of 2,400 hours of radio and television illegally over 30 different television and medium- and short-wave FM radio frequencies. Several of these broadcasters belong to or offer their services to organizations linked with known terrorist elements who live in and act against Cuba from United States territory, broadcasting programmes of incitement to sabotage, political attacks and assassination and committing other forms of radioterrorism.

The illegal radio and television broadcasts against Cuba are intended to promote illegal immigration and encourage and incite to violence, contempt for constitutional order and the perpetration of terrorist acts. Cuba reiterates that the use of information for the clear purpose of subverting the internal order of other States, violating their sovereignty and meddling and interfering in their internal affairs constitutes an illegal act.

These provocative broadcasts against Cuba constitute violations of the international norms governing use of the radio-electronic spectrum contained in the International Radiocommunication Convention, [1] to which the United States Government is a signatory party.

Cuba supported General Assembly resolution 66/24 and will continue to contribute to the peaceful global development of information and telecommunications technologies and their use for the good of all humanity.

Spain

[Original: Spanish]
[29 May 2013]

1. Introduction

Information security is a key aspect of the information society. Technological advances have driven continuous, rapid growth in the capacity to process and store information in multiple formats. Meanwhile, in the area of communications, available bandwidth has increased very significantly and, as a result, huge amounts of information can now be sent and received almost in real time and without the need for particularly complex infrastructures.

While these technological advances improve access to information of all types, they also facilitate the use of and access to information for unlawful purposes,

[1] Translator's note: It appears that the reference should be to the International Telecommunication Convention and the Radio Regulations annexed thereto.

especially the use of information technology and telecommunications systems for hostile or criminal purposes, and even for the commission of terrorist acts or acts of aggression between States or transnational actors.

In recent years, the growing trend in Internet use by criminal organizations and, in particular, by terrorist groups has been confirmed. Such organizations and groups essentially take advantage of two of its characteristics, namely, its global nature and the high degree of anonymity that it can offer.

The development of the information society and information technology must therefore be balanced with the simultaneous development of modern, up-to-date national and international regulations that are appropriate to the new technological environment and capable of responding to the challenges posed by the need to protect information in order to prevent its unlawful use without limiting individuals' rights and freedoms.

2. Misuse of the Internet for terrorist purposes

At present, the main threats arising from the use of the Internet by terrorist organizations are:

(a) Use of the Internet as a weapon, i.e., its use as a means to launch attacks against critical infrastructure information systems or the infrastructure of the Internet itself. Attacks of this kind by common criminals are relatively frequent; however, the attack on Estonia in 2007 made it clear that a State's information infrastructure can also be subject to an attack of this type. The considerable increase in new harmful software in recent years and the "botnets" or networks of "zombie" computers that are used to carry out attacks against information systems are directly related to this type of threat.

(b) Use of the Internet as a medium for other activities, essentially:

- **Communication**. Criminal organizations are increasingly communicating via the Internet instead of using other means, such as fixed or mobile telephones. The tools most frequently used to communicate securely and anonymously over the Internet are electronic mail, instant messaging programmes and online forums.
- **Dissemination of propaganda and terrorism-related materials**. There are currently thousands of websites that incite violence or are related to terrorist activities; this trend has been accentuated with the emergence of Web 2.0 and social networking ("blogs"). Preventing terrorist organizations from using the Internet in this way is quite a complex matter since such websites can be very easily migrated. The phenomenon is transnational since the server that hosts the website may be located in a different country from the one where it is administered while the terrorist organization in question may operate in a third country; where there are no bilateral agreements between these countries, a legal vacuum is created.
- **Recruitment**. The Internet is sometimes used as a means of carrying out recruitment activities, mainly through online forums and instant messaging programmes.

- **Financing**. The Internet also provides opportunities for terrorist organizations to carry out activities aimed at securing funding. The possible involvement of terrorist organizations in Internet fraud, extortion and money-laundering as a means of obtaining financing is of particular interest.

- **Dissemination of training manuals**. Terrorist organizations disseminate manuals on terrorist techniques, the manufacture of explosives and weapons handling via the Internet.

- **Information-gathering to prepare terrorist attacks**. The Internet is a very important source of information that is often used by terrorist organizations to obtain information on the targets of their activities, whether individuals, organizations or infrastructures.

3. Measures taken at the national level to combat Internet use by terrorist organizations

3.1 Legislative measures

Measures adopted by different States include the significant efforts made by Spain in recent years, and particularly in 2007. It has included in its legal system a series of laws relating to information security and the free exercise of the rights and freedoms recognized in the Universal Declaration of Human Rights and the Spanish Constitution. Comprehensive legislation and regulations incorporating both purely national elements and European Union directives have been developed with the aim of meeting these objectives. New information security criteria have been applied based on the premise that in order to achieve a reasonable degree of protection, as well as to maintain the confidentiality of information, it is in most cases essential to preserve the integrity and availability of the information. In particular, the following laws and regulations have been enacted:

- Organization Act No. 5/1992 of 29 October 1992 on regulation of the electronic processing of personal data with the aim of establishing precautionary mechanisms to prevent breaches of privacy resulting from the processing of information; and implementing regulations.

- Organization Act No. 15/1999 of 13 December 1999 on the protection of personal data, which aims to guarantee and protect public freedoms and the fundamental rights of individuals, especially their honour and their personal and family privacy, during the processing of personal data; and implementing regulations.

- Royal Decree-Law No. 14/1999 of 17 September 1999 on electronic signatures, adopted with the aim of encouraging companies, citizens and public authorities to quickly incorporate new technologies for secure electronic communications into their activities, and transposing into Spanish law Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures. Act No. 59/2003 of 19 December 2003 on electronic signatures updated this framework by incorporating the amendments deemed advisable in light of the experience gained since its entry into force.

- Act No. 11/2002 of 6 May 2002 governing the National Intelligence Centre (CNI), and Royal Decree No. 421/2004 of 12 March 2004, which governs the National Cryptology Centre. By means of these two instruments, the CNI is mandated, among other duties, to coordinate the action of the various Government agencies that use encryption methods and procedures, guarantee the security of information technology in that area and ensure compliance with regulations relating to the protection of classified information.
- Act No. 34/2002 of 11 July 2002 on information society services and electronic commerce, which aims to incorporate into Spanish law Directive 2000/31/EC of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, on the internal market ("Directive on electronic commerce"). It also partially incorporates Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests since, in accordance with the provisions of that Directive, it governs injunctions against conduct contravening the provisions of the Act.
- General Telecommunications Act No. 32/2003 of 13 November 2003 governing the operation of networks and provision of services in the area of electronic communications.
- Act No. 59/2003 of 19 December 2003 on electronic signatures, already mentioned.
- Act No. 11/2007 of 22 June 2007 on citizens' electronic access to public services, which governs communications between citizens and public authorities using electronic, information and telematic techniques and methods.
- Organization Act No. 10/2007 of 8 October 2007 governing the police database of DNA identifiers. The Act establishes a single database incorporating all files of the State security and law enforcement agencies containing identifiers obtained from DNA analysis carried out as part of a criminal investigation, cadaver identification procedures or missing persons enquiries.
- Act 25/2007 of 18 October 2007 on the preservation of data relating to electronic communications and public communications networks, which is having a positive impact on investigations carried out in this field.
- Royal Decree No. 1720/2007 of 21 December 2007 adopting the implementing regulations for Organization Act No. 15/1999 of 13 December 1999 on the protection of personal data.
- Act No. 56/2007 of 28 December 2007 on measures to promote the information society.
- Criminalization of the following cybercrimes related to the Internet activity of terrorist organizations:
  - Computer sabotage, article 264 of the Penal Code
  - Threats, article 169 and following of the Penal Code
  - Justification or glorification of terrorism, article 578 of the Penal Code

3.2 Other measures

- Creation of specialist police groups to combat use of the Internet by criminal groups.
- Participation in the "*Check the Web*" project developed by the European Police Office (Europol).
- The National Cryptology Centre in the National Intelligence Centre makes a significant daily contribution to the effort to combat cyberattacks. In particular, its Computer Emergency Response Team (CERT) has the capacity to respond to information security incidents. Established in early 2007 as a Spanish governmental body, the CERT participates in the primary international forums, where it shares objectives, ideas and information on cybersecurity.
- Creation of the National Centre for the Protection of Critical Infrastructure
- The Ministry of Defence is taking various steps in the area of cyberdefence. Through the Chiefs of Defence Staff, it participates in the North Atlantic Treaty Organization (NATO) Cooperative Cyber Defence Centre of Excellence, which Spain has been helping to fund since its establishment and to which it provides two experts. The Centre's increasingly important role in the international effort to combat cyberterrorism is illustrated by the recent visit of His Majesty the King, during which he emphasized Spain's commitment to international cybersecurity initiatives.
- NATO is extremely active in cyberdefence activities; it has developed a Concept, adopted a policy and appointed a cyber defence management authority for the alliance.
- The Organization for Security and Co-operation in Europe (OSCE) has established an informal working group on confidence-building measures related to information and communications technologies. The working group's goal is to reduce the potential for cyberattacks while strengthening mutual security through international cooperation, enhancing clarity and transparency and reducing the risks of misperception that could lead to the escalation of conflicts by developing political and military confidence-building measures for the use of information and communications technologies.
- The National Security Scheme sets national security policy for use of the electronic media. It is grounded in basic principles and minimum requirements that allow for adequate protection of information, and all Government departments participate in its work. Its legal basis is a royal decree that will soon be issued pursuant to article 42 of Act No. 11/2007. Spain's Security Strategy identifies the country's primary security threats and risks and sets out a response to them, specifying cyberspace as one of the areas in which action must be taken. This analysis forms the basis for developing response strategies, building capacities and implementing administrative reforms.

National Defence Directive 2012 lists the global threats that Spain must address, stating that cyberattacks are one of the primary risks and that they can be prevented only through a coalition of forces which, in the case of Spain, will be based on NATO and the European Union but will also require the support of other countries and groups of countries that also have a direct interest in monitoring such matters.

This Directive also calls for participation in the promotion of comprehensive cybersecurity management within the framework of the relevant principles of the national cybersecurity strategy.

The Defence Policy Directive, adopted in 2012, also refers to the emergence of cyberspace as a new field of international relations and identifies as a defence priority the strengthening of information- and intelligence-gathering systems in order to support operations such as command and control systems with a view to reducing the risk of cyberattacks.

In January 2011, the Head of the Chiefs of Defence Staff issued a vision of military cyberdefence, which provides guidance for the planning, development and use of the military capacities needed in order to ensure the effective use of cyberspace during military operations.

4. Possible measures that could be taken by the international community to strengthen information security at the global level

Increased dependence on information systems and increased connectivity of critical infrastructures have made cyberspace security essential to the functioning of a modern State. For this reason, cybersecurity should be an intrinsic part of national security planning.

At present, the protection of an international legal framework to meet cybersecurity threats is lacking. Therefore, without prejudice to States' sovereignty in matters related to cybersecurity, there is a need for multilateral cooperation agreements in this area (analogous or similar to the International Convention for the Safety of Life at Sea (SOLAS)) whereby States would undertake to harmonize their legislation with a view to the prosecution of Internet crimes while attempting to ensure, to the extent possible, that anonymity, the absence of legislation and economic interests do not make the Internet the ideal breeding ground for crime and terrorism.

The private sector, and particularly Internet service providers, must be involved in the effort to combat cybercrime. The cooperation of the private sector is essential since most Internet services are in the hands of private companies. The private sector has long dealt with Internet-related threats and its knowledge and experience in this area could be very valuable.

CERTS play a key role in cybersecurity. The establishment of specialized teams and the ongoing training of their members are the first steps that Governments should take in order to ensure cybersecurity. It is also important to establish law enforcement units that specialize in the investigation of crimes committed via the Internet.

Because cybersecurity is a global challenge, international cooperation in improving it is essential and should be strengthened at the policy and operational levels. There should be constant communication between the CERTS of different countries in order to facilitate the sharing of information on attacks within a short response time. Lessons learned and best national and international practices should also be shared.

Other measures include:

- Training citizens and making them aware, at an early age, of the need to pay attention to the security of the information systems that they use. Many types of cybercrime take advantage of (or even depend on) the fact that many Internet users fail to take appropriate precautions in order to make their computers and accounts as secure and impenetrable as possible. User education is therefore essential. Greater awareness of this problem would reduce the number of computers used by cybercriminals in order to carry out their activities, particularly those related to botnets.
- Expediting procedures for international and police cooperation so that criminal offences can be prosecuted rapidly and efficiently, bearing in mind the diffuse nature of the Internet, the volatility of connection records and the legal framework of each country.
- Organizing multinational forums, seminars and conferences in order to enhance the knowledge of experts, share knowledge about the various types of attack and new trends in cyberattacks, assess vulnerability and the impact of potential attacks, share lessons learned and best practices and promote standardized police training in the investigation of cybercrimes.
- Coordinating the efforts of organizations that specialize in specific areas of cybersecurity, such as the Council of Europe and NATO, in order to avoid unnecessary duplication of effort.
- Producing guides and recording good practices, in cooperation with the private sector and civil society, in order to improve cybersecurity.

In conclusion, Spain considers that the international community should adopt whatever information protection measures are deemed necessary, basing its action on an integrated global vision and, if possible, creating a single authority to lay down rules and standards common to all countries, establish a balanced and comprehensive set of specific protection measures and enable the harmonization of the policies and actions of the various national and international organizations involved.

Ukraine

[Original: Russian]
[31 May 2013]

1. General assessment of information security problems

The fields of information security, telecommunications security and cybercrime response are central to the national security of Ukraine. Ensuring the national security of Ukraine, in turn, fosters strengthened international security in a globalizing world.

Globalization, the creation of an information society and the adoption of new information technologies, all of which are occurring worldwide, contribute to the increased importance of information security as a component of national security.

Information security is defined as the degree to which national interests in the field of information are shielded from external and domestic threats.

Accordingly, the following all come under the heading of international threats to information security:

- Unlawful use of information resources
- Unauthorized, destructive activities within automated systems, including those systems used in the management of critical national infrastructure facilities
- Use of cyberspace, related activities or information technologies and resources in a manner that violates fundamental human rights and freedoms or for the purpose of carrying out terrorist, extremist or otherwise criminal acts, including acts of aggression
- Use of information infrastructure to disseminate information that incites animosity and hatred, in general or in a specific country
- Dissemination of information that runs counter to existing national legislation and moral norms and principles
- Use of cyberspace to destabilize society and undermine the economic, political and social system of another State or to spread misinformation designed to distort cultural, ethical and aesthetic values
- Prevention of access to cutting-edge technologies, fostering dependence in the field of information technology in order to gain an advantage and control over foreign cyberspace.

The following globalization-related problem areas should be highlighted: mass or individually targeted informational and psychological manipulation; limitations on consumer access to services based on information and telecommunications technologies; and cybercrime.

According to Ukrainian experts, the following factors may lead to an increased likelihood of the threats described above:

- Low computer literacy on the part of most users of information resources and cyberspace services
- The lack of a common international conceptual framework for information security
- Varied approaches in national legislation to information protection measures designed to establish and update (restore) information infrastructure
- Disparate levels of computerization and information security in different countries
- The danger of linking potentially destructive resources to information and telecommunications systems
- The fact that sources of unauthorized activities in cyberspace may not be clearly identified.

2. National efforts to strengthen information security and support for international cooperation on information security

The main State bodies in Ukraine responsible for information security and its components are the Ministry of Internal Affairs, the Security Service and the State Service for Special Communications and Information Protection. These agencies are actively engaged in regulating the various areas of information security. There is a particular focus on the regulatory and legal framework of the cybernetics component (cybersecurity).

The following legislative provisions on social relations in matters relating to information security are currently in force in Ukraine.

Under article 17 of the Constitution of Ukraine, information security is a crucial State function, along with protecting sovereignty and territorial integrity and maintaining economic security.

In accordance with article 3 of the Information Act of Ukraine, ensuring the information security of Ukraine is one of the main areas of State information policy.

Within the security system of Ukraine as a whole, information security holds a special position, as information relations and processes are component parts of all processes within society and the State. In this context, information security is defined as the status of the information space (environment), which consists of information technologies; information resources and the information relations among the relevant actors, that guarantees the evolution and use of the information space for the benefit of the individual, society and the State.

National security priorities, which are tied to social development interests, determine the main objectives of information security. These objectives are as follows:

- Ensuring Ukraine's national information sovereignty as information flows become increasingly globalized and other countries compete for ascendancy in the field of information
- Creating an information environment that supports the cultural, moral and intellectual development of the individual and society as a whole
- Maintaining the informational resources of Ukraine at levels sufficient to guarantee the sustainable functioning and development of the individual, society and the State
- Protecting the information of natural and legal persons and the State from external and domestic information threats, which includes responding to computer crimes
- Ensuring the validity and enforcement of the rights of information stakeholders in Ukraine to create and use national information resources, information technologies and information infrastructure.

To strengthen information security, a regulatory and legal framework and professional training system are being implemented, and there is coordination of the activities of State agencies responsible for information security. This coordination includes cooperation with the Computer Emergency Response Team of Ukraine

(CERT-UA), and the Forum of Incident Response and Security Teams (FIRST), an internationally accredited organization.

Under Ukrainian law, CERT-UA operates as part of the State Service for Special Communications and Information Protection, coordinating the work of enterprises, institutions and organizations, regardless of ownership structure, in order to prevent, analyse and respond to the consequences of unauthorized actions that target State information resources in information and telecommunications systems.

Moreover, CERT-UA cooperates with the relevant foreign and international bodies and organizations, and the Team's obligations to its foreign counterparts (full membership in FIRST and membership in the International Multilateral Partnership Against Cyber Threats of the International Telecommunication Union) encourage international information security cooperation.

Under the Act of Ukraine on amendments to the Act ratifying the Convention on Cybercrime, the Ministry for Internal Affairs is the body authorized to establish and oversee the 24-hour network of points of contact for emergency assistance with computer systems and data crime investigation; prosecution of individuals accused of such crimes; and electronic evidence-gathering.

The relevant unit, which manages the 24-hour cybercrime response network of the Anti-Cybercrime Division, operates within the Ministry for Internal Affairs and is responsible for implementing the relevant activities and operations, including the following:

- Countering distributed denial-of-service attacks
- Combating criminal offences committed using payment cards or their account data
- Combating unauthorized interference in the operations of "client-bank" remote banking services
- Countering dissemination of illegal Internet content (in violation of copyright)
- Countering Internet dissemination of pornography, including child pornography
- Countering telecommunications offences
- Countering offences related to unauthorized access to satellite data transmission networks
- Countering financial and other types of fraud perpetrated over the Internet
- Countering criminal and other e-commerce offences
- Managing the cybercrime response operations of the 24-hour network of points of contact.

Efforts are currently being made to update national information security legislation in order to develop a regulatory and legal framework that is harmonized with international norms.

A draft law on cybersecurity is now being drafted in Ukraine, in accordance with Presidential Decree No. 1119 of 10 December 2010 on the decision of

17 November 2010 of the National Security and Defence Council of Ukraine on challenges and threats to the national security of Ukraine in 2011.

The following national policy areas may receive greater attention under existing regulatory and legal acts:

(1) Presidential Decree No. 1119 of 10 December 2012 on the decision of the National Security and Defence Council of 17 November 2010 on challenges and threats to the national security of Ukraine in 2011 (paragraph 4); Presidential Decree No. 388 of 8 June 2012 on the decision of the National Security and Defence Council of 25 May 2012 on activities to strengthen counter-terrorism in Ukraine (paragraph 1); Presidential Decree No. 389 of 8 June 2012 on the decision of the National Security and Defence Council of 8 June 2012 on the updated National Security Strategy Council (subparagraphs 3.1.1, 3.3 and 4.3); and Presidential Decree No. 390 of 8 June 2012 on the decision of the National Security and Defence Council of 8 June 2012 on the updated Military Doctrine of Ukraine (subparagraphs 7 and 19), contain the following objectives:

- Setting up a national cybersecurity system
- Setting up a unified nationwide system to combat cybercrime
- Drafting and approving a register of critical national security and defence sites that are cyberattack protection priorities
- Drafting and submitting to the Parliament a draft law on national cybersecurity
- Defining cybersecurity as one of the central threats to international stability and Ukrainian national security
- Approving, as a strategic goal and primary national security policy objective, the preparation of national standards and technical regulations for information and communications technologies use and their harmonization with the relevant standards of European Union member States
- Defining the term "cyberterrorism"
- Establishing an effective mechanism in Ukraine for responding to the newest national security threats (phenomena and trends that could, under certain conditions, threaten national interests) related to information technology use in a globalizing world, especially "cyberthreats"
- Analyzing cyberattacks that target nuclear and chemical industry facilities, military-industrial facilities and other potentially hazardous sites in a show of military force against Ukraine that could lead to military conflict;

(2) Regulatory and legal acts of the Cabinet of Ministers: Order No. 720-r of 22 August 2012 approving the Annual National Programme of Ukraine-North Atlantic Treaty Organization (NATO) Cooperation for 2012 as well as Instruction No. 24066/1/1-12 of 15 June 2012 under the aforementioned Decision of the National Security and Defence Council, implemented under Presidential Decree No, 388 of 8 June 2012, which also provides for the elaboration of a legislative act on cybersecurity;

(3) The Parliament of Ukraine is considering draft laws to amend some acts on national cybersecurity. These draft laws provide, inter alia, for the use in national legislation of such concepts as "State cybersecurity", "critical infrastructure sites",

"critical information infrastructure sites" and "cyberspace", and for the definition of the primary cyberthreats to national security, the main areas of State policy and the tasks of the entities responsible for national security in this field.

3. Adoption of international frameworks to strengthen global information and telecommunications systems security

Ukraine has a regulatory and legal framework to protect information in information and telecommunications systems whose principles and approaches to structuring protection are harmonized with International Organization for Standardization 15408/Common Criteria for Information Technology Security Evaluation.

Given that computer crime has escalated beyond national borders and grown into an international phenomenon, Ukraine cooperates with foreign law enforcement agencies on an ongoing basis.

In addition, under projects and programmes with the Organization for Security and Co-operation in Europe, the Parliamentary Assembly of the Council of Europe, the Council of Europe and the NATO Partnership for Peace, and in the context of bilateral agreements, Ukraine is working to secure international information security.

4. Possible measures that could be taken by the international community to strengthen information security at the global level

Owing to the transnational nature of computer crime, it may be time to draft a set of international principles to strengthen information and telecommunications network security and international security policy overall, and to enhance ways, means and resources for information security threat detection, assessment and forecasting.

One of the main areas of global information security involves the drafting and adoption of international legal instruments to eliminate imprecise information security terminology. An important aspect of this would be to determine the international legal status of cyberspace and to enshrine, in regulatory and legal instruments, States' jurisdictions with regard to the national components of this space (comparable to States' air space and territorial waters) and the further regulation of issues related to cyberwar, cyberaggression, and so on.

Another key aspect of standard-setting in the field would be the adoption of a unified concept of cybercrime, as well as a clear classification of the relevant offences.

Other measures that the international community could take to strengthen global information security might include harmonization of the regulatory and legal framework for information protection; development of agreed criteria and methods for assessing the effectiveness of information security systems and resources; mutual recognition of information security certificates; and expanded cooperation in addressing research, technical and legal information security issues. At the same time, stepping up cooperation among national law enforcement agencies to prevent, suppress and prosecute computer crimes is crucial to successful cooperation.

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[16 May 2013]

The United Kingdom of Great Britain and Northern Ireland welcomes the opportunity to respond to General Assembly resolution 67/27 entitled "Developments in the field of information and telecommunications in the context of international security".

General appreciation of the issues of information security

The United Kingdom will use its preferred terminology of "cybersecurity" and related concepts in the present submission, denoting efforts aimed at the preservation of the confidentiality, availability and integrity of information in cyberspace. The term "information security" is often used by business and standards organizations to mean the same thing, and the term is also accepted by the United Kingdom with this specific meaning. There is scope for potential confusion in the use of the term "information security" in that it is used by some countries and organizations as part of a doctrine that regards information itself as a threat against which additional protection is needed. The United Kingdom does not recognize the validity of the term "information security" when used in this context, since it could be employed in attempts to legitimize further controls on freedom of expression beyond those agreed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Cyberspace is a domain of great opportunity but also of actual and potential threat. Over two billion people are now connected to cyberspace through the Internet, with that number set to grow further as mobile technologies allow developing countries to take advantage of its enormous benefits at lower costs. The Internet provides an engine for economic growth, opens up access to education, strengthens human interaction and understanding, breaks down cultural and geographic barriers, allows services to be delivered online and strengthens democracy by holding Governments accountable to its citizens in new and dynamic ways. For example:

- Internet-based activity already accounts for eight per cent of the gross domestic product of the United Kingdom. Ensuring that businesses and customers feel secure about doing business in cyberspace is crucial to economic growth.
- The United Kingdom introduced an e-petitions service in 2011, allowing anyone to open or sign a petition on an issue for which Government has responsibility. All petitions attracting 100,000 signatures or more are considered for debate in Parliament. In its first year, over 15,600 petitions were opened, of which 10 passed the 100,000 threshold. All of these have either been debated or scheduled for parliamentary debate.

The United Kingdom, like many countries, relies on cyberspace in many areas of critical national services, such as energy, finance and transport. Significant failures in these services, whether accidental or as the result of a deliberate intrusion, could cause severe disruption, economic damage or loss of life.

The threat landscape is complicated and dynamic. Systems of the Government of the United Kingdom, along with those of business and private individuals, are subjected to attempted intrusions on a daily basis. Motives range from political and industrial espionage, cybercrime, disruption or control of networks or denial of service. Threat actors range from nation States, State proxies, non-State actors, and organized criminal gangs through to opportunistic individuals. The interconnected nature of cyberspace means that disruptive activities against one system may cause unintended and unpredictable effects in other systems. Attempts to counter these threats are hampered by the difficulty in reliably attributing a cyber incident to a particular source, the potential for the perpetrators to masquerade as others, immature understanding of acceptable State behaviour in cyberspace, the lack of resilience in the cyber infrastructure in some countries and the absence of harmonized international approaches to detect, pursue and prosecute cybercriminals.

All elements of society have a role and a duty in combating these threats. It is for Governments to lead international efforts to improve understandings over acceptable State behaviour and in tackling cybercrime but, given that the majority of the infrastructure of cyberspace is owned and operated by private companies, their participation in this debate is crucial. The United Kingdom believes that improved cybersecurity must not come at the expense of the economic and social benefits that cyberspace brings. It is particularly important to ensure that efforts to increase cybersecurity are not misused to impose further restrictions on freedom of expression beyond those permitted in international agreements. In this regard, the role of civil society organizations is particularly important.

Efforts taken at the national level to strengthen information security and promote international cooperation in this field

National approaches

The United Kingdom's national security strategy, published in 2010 identified cyberattacks as one of four "tier 1" threats, alongside an international military crisis, major accidents or natural hazards and terrorist attacks. In November 2011, the United Kingdom published an updated cybersecurity strategy which sets out a vision to derive huge economic and social value from a vibrant, resilient and secure cyberspace, where our actions, guided by our core values of liberty, fairness, transparency and the rule of law, enhance prosperity, national security and a strong society. The achievement of this strategy is supported by four objectives:

- To tackle cybercrime and be one of the most secure places in the world to do business in cyberspace
- To be more resilient to cyberattacks and better able to protect our interests in cyberspace
- To help shape an open, stable and vibrant cyberspace that the public of the United Kingdom can use safely and that supports open societies
- To have the cross-cutting knowledge, skills and capability it needs to underpin all our cybersecurity objectives

To underpin the achievement of these objectives, the Government of the United Kingdom allocated £650 million of additional expenditure to be used in a four-year programme intended to transform the response to cyberthreats.

The United Kingdom has invested in new and unique capabilities to protect its core networks and services and to deepen its understanding of the threat it faces. In turn, this enhanced knowledge allows it to better prioritize and direct defensive efforts. Under the auspices of the Ministry of Defence of the United Kingdom, it has established a tri-service unit to develop new tactics, techniques and plans to deliver military capabilities in response to sophisticated threats. The Government works closely with victims of disruptive cyberactivity and the results of that work allow it to provide advice to industry to improve their cybersecurity measures. In terms of its own networks, it is developing a new security model for the sharing of services, including more sophisticated employee authentication, better policing of compliance and greater network resilience.

The Government of the United Kingdom has invested in strengthening law enforcement and prosecutorial capabilities to prevent, disrupt and investigate cybercrimes and bring those responsible to justice. The Police Central e-Crime Unit has tripled in size, three regional cyberpolicing teams have been established and training on combating cybercrime for mainstream police officers has been designed. The Serious Organized Crime Agency will merge with the Police Central e-Crime Unit later in 2013 to form the National Cybercrime Unit of the National Crime Agency, a further step towards improving the law enforcement capability of the United Kingdom against cybercrime.

United Kingdom industry is the biggest victim of cybercrime, including the widespread theft of intellectual property. The Government works with industry and academia to promote awareness of the need to address cyberthreats and, in 2012, it produced a guidance document for industry chief executives that set out how senior executives should adopt strategies to protect their most valuable information assets. The Government has also successfully completed a pilot information-sharing initiative to provide a trusted environment for organizations to share information on current threats and managing incidents. This included around 160 companies in the defence, finance, pharmaceuticals, energy and telecommunications sectors.

In conjunction with industry, the Government of the United Kingdom has been active in raising awareness of the threat among industry and the public so that they take the often simple steps to protect themselves and demand better security in cyberproducts and services. These initiatives have included "Get Safe Online Week" (run with the European Union and Canada), targeted campaigns on online fraud delivered by the National Fraud Authority and a "Devils in your details" campaign in 2012.

The United Kingdom is investing in skills and research so that we have the capability to keep pace with this problem in the future. The first eight United Kingdom universities to have conducted research in the field of cybersecurity have been given the status of academic centres of excellence in cybersecurity research. Interactive learning materials are being developed for younger students and a technical apprenticeship scheme has been launched to identify and develop talent in school and university students. In order to ensure that those working in the field of cybersecurity receive the right education and training, a scheme on certification for information assurance professionals will help Government and industry to recruit cybersecurity professionals with the right skills at the right level to the right jobs.

International approaches

The United Kingdom has been at the forefront of international efforts to improve the transparency, predictability and stability of cyberspace. In November 2011, the United Kingdom hosted the first International Conference on Cyberspace, which brought together representatives from over 60 countries and from business and civil society organizations to discuss ways of expanding the economic and social benefits of cyberspace, cooperation on tackling cybercrime, safe and reliable access to the Internet and international security. The momentum generated by the event was taken forward at the 2012 Conference, held in Budapest, and planning is already under way for the 2013 Conference, to take place in Seoul.

The United Kingdom is an active member of the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Conext of International Security and of the informal working group of the Organization for Security and Cooperation in Europe (OSCE) on establishing confidence-building measures for cyberspace.

In October 2012, the United Kingdom announced an initiative to set up a centre for global cybersecurity capacity-building, with funding of £2 million per year, to include various multilateral and bilateral initiatives. The centre will offer independent advice and expertise to other countries on how to build more secure and resilient national infrastructures and become a focal point for world class research and international collaboration on this vital issue.

In order to further international efforts to tackle international cybercrime, the United Kingdom continues to promote the Convention on Cybercrime and its principles as the most effective instrument in this field. The Serious Organized Crime Agency continues to lead with international partners on the global representation of law enforcement issues to the Internet Corporation for Assigned Names and Numbers.

Relevant international concepts aimed at strengthening the security of global information and telecommunications systems

The paramount concept is that of the application of international law and the existing norms of behaviour that govern relations between and among States. The United Kingdom firmly believes that these principles apply with equal force to cyberspace and an unambiguous affirmation by States that their activities in cyberspace will be governed by these laws and norms would lay the foundations for a more peaceful, predictable and secure cyberspace.

In this regard, cyberspace presents particular challenges, for example, the difficulties in the reliable attribution of activities, assessment of intent and the role of non-State actors. The United Kingdom would welcome international discussions on how to apply international law and norms of State behaviour in this context.

The United Kingdom does not believe that attempts to conclude comprehensive multilateral treaties, codes of conduct or similar instruments would make a positive contribution to enhanced cybersecurity for the foreseeable future. The complex and comprehensive nature of any binding agreement across the entirety of a cyberspace that is evolving at "net speed" means that it could not be effective or command widespread support without many years, possibly decades, of painstaking work on norms of behaviour and confidence-building measures to build

up the necessary understanding and trust among signatories and to ensure that they can be reliably held to account for their adherence to their commitments. Experience in concluding these agreements on other subjects shows that they can be meaningful and effective only as the culmination of diplomatic attempts to develop shared understandings and approaches, not as their starting point. The United Kingdom believes that the efforts of the international community should be focused on developing common understandings on international law and norms rather than negotiating binding instruments that would only lead to the partial and premature imposition of an approach to a domain that is currently too immature to support it.

Possible measures that could be taken by the international community to strengthen information security at the global level

The borderless nature of cyberspace provides a particular imperative for States to enhance bilateral, regional and multilateral cooperation to develop common responses to common threats. In the view of the United Kingdom, the measures that could make the most significant contribution at this stage are:

(a) Continuing discussions among States to develop a normative framework of acceptable State behaviour based on existing principles of international law and customary international norms;

(b) The development of confidence building measures for cyberspace aimed at increasing the transparency and predictability of State behaviour, thus reducing the risk of misperception or unintended escalation of incidents;

(c) The establishment of computer emergency response teams by States as a focus for incident-handling and information-sharing, supplemented by notification of key points of contact and reliable crisis communications mechanisms;

(d) The development of joint exercises to test joint incident-handling and communications procedures;

(e) The development of harmonized legal approaches to tackle cybercrime;

(f) Enhanced dialogue with business and civil society representatives to ensure coordinated and prioritized approaches in a domain that is largely owned and operated by the private sector;

(g) Commitments by States with more mature cybersecurity capabilities to support capacity-building for other States.